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# FINANCING OF THE INTERNATIONAL TRIBUNAL FOR THE PROSECUTION OF PERSONS RESPONSIBLE FOR SERIOUS VIOLATIONS OF INTERNATIONAL HUMANITARIAN LAW COMMITTED IN THE TERRITORY OF THE FORMER YUGOSLAVIA SINCE 1991

Report of the Secretary-General

SUMMARY

In accordance with General Assembly resolution 51/214 B of 13 June 1997, the present report contains the revised 1998 resource requirements of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law committed in the Territory of the Former Yugoslavia since 1991.

The resources requested for the period from 1 January to 31 December 1998 amount to $64,216,200 net ($71,094,700 gross) and reflect an increase of $15,629,200 net and an additional 204 posts over the 1997 appropriation and authorized staffing level.

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# I. OVERVIEW

1. The terms of reference of the International Tribunal were established by the Security Council in its resolution 808 (1993) of 22 February 1993. The Statute of the Tribunal, adopted by the Security Council in its resolution 827 (1993) of 25 May 1993, provides in article 11 that the Tribunal shall consist of three organs, namely, the Chambers, the Prosecutor and a Registry. The activities for which the Tribunal is responsible also appear in the Statute.

2. On 13 June 1997, the General Assembly adopted resolution 51/214 B and decided to appropriate to the Special Account for the International Tribunal for the Former Yugoslavia a total of $29,825,500 gross ($27,440,100 net) for the period from 1 July to 31 December 1997, in addition to the amount of $23,655,600 gross ($21,146,900 net) already appropriated for the period from 1 January to 30 June 1997 under General Assembly resolution 51/214 A of 18 December 1996. The total appropriation for 1997 amounted to $53,481,100 gross ($48,587,000 net).

3. With respect to the Chambers, judicial activities in 1998 will aim at continuing to provide a fair trial for all accused, without undue delay. In this connection, special efforts will be made in 1998 to expedite, pursuant to Security Council resolution 1126 (1997) of 27 August 1997 and General Assembly decision 51/319 B of 15 September 1997, to complete the Čelebići case. The three Judges sitting on this case have been extended until the completion of the case.

4. With respect of the Office of the Prosecutor, important developments, details of which are further discussed under section II of the present report, have occurred in the recent past that have made it necessary to strengthen the focus of its investigation on the political and military leadership of each of the parties to the conflict in the Former Yugoslavia. The recent arrest of two accused persons brought public attention to one of the Prosecutor's operational strategies, namely, the issuing of secret or sealed indictments. It is the Prosecutor's intention to maintain this strategy for the foreseeable future, at least until the States concerned comply with their obligations to arrest and surrender indicted war criminals.

5. During 1997, the Office of the Prosecutor underwent a major restructuring with a view to providing more effective use of available resources in order to meet the new requirements imposed by the arrests of additional accused persons. For 1998, the Prosecutor aims to undertake the following activities, namely: (a) prosecute five trials simultaneously in addition to completing the Čelebići trial, subject to the availability of a second courtroom; (b) prepare at least two other trials to the point that they can commence immediately upon the conclusion of a trial; (c) conduct at least 12 full-scale investigations, which would result in about six indictments being submitted for confirmation by the end of the year; and (d) undertake five mass grave exhumation programmes with a view to gathering evidence relating to the commission of atrocities.

6. With regard to Registry activities, a second courtroom is proposed to be constructed in 1998 to accommodate increased trial and appellate activities.

With enhanced prosecution and investigative operations, it is inevitable that provisions related to the judicial management and administrative and financial support of the court, such as costs of defence counsel, temporary assistance, witnesses and victims programmes, will rise in proportion to trial activities and the number of detainees awaiting trial.

7. In line with the provisions of General Assembly resolution 51/243 of 25 September 1997, and the Secretary-General's plan to phase out the use of gratis personnel in the Secretariat at the earliest possible date (A/51/950, para. 119, action 3), the estimates include the Tribunal's phased conversion of all 52 existing gratis positions to temporary posts to be financed from assessed contributions. Consequently, all agreements with donor Governments and organizations will be allowed to lapse in 1998. Only those positions whose responsibilities have been identified as essential to the core function of the Tribunal are proposed for conversion to temporary posts, commencing from the termination date of the agreements.

8. As recommended by the Advisory Committee on Administrative and Budgetary Questions in its report (A/51/7/Add.7, para. 7), the 1998 budget proposal reflects a comprehensive internal review of the Tribunal's operations to identify the total amount of resources required for personnel and administrative support regardless of source of financing. The overall level of resources proposed for the Tribunal for 1998 amounts to $71,094,700 gross ($64,216,200 net), reflecting a growth of $15,629,200 net (32.2 per cent) compared with the 1997 net appropriation. If provision for a second permanent courtroom ($2,950,500), a major non-recurring item, were not included, adjusted growth would have amounted to $12,678,600 (26.1 per cent).

9. The overall level of post requirements, as indicated in table 3 below, reflects, inter alia, the proposed establishment of 152 new temporary posts, the conversion of 52 gratis positions to temporary posts and the reclassification of 12 posts. The overall level of resources also includes growth in all expenditure groups with the exception of consultants and experts and is reflective of the scope and magnitude of the operations required of the Tribunal to fulfil its mandate. It also reflects the resources required for an organizational structure that is unique to the war crimes tribunals. In comparison with many national law enforcement and judicial systems throughout the world, which generally have agencies or national departments that separately undertake criminal investigations, prosecution activities, prison services, judicial management and administration and would correspondingly have separate budgets, the Tribunal is mandated to undertake all these services as one single organization. As requested by the Advisory Committee in its report (A/51/7/Add.7, para. 7), details of requests for posts and full justifications would be provided in the report as annex IV.

10. The estimated percentage distribution of the total resources of the Tribunal in 1998 would be as follows:

| | Assessed budget | Extrabudgetary |
|---|---|---|
| | (percentage) | |
| Chambers | 4.9 | - |
| Office of the Prosecutor | 29.8 | 88.3 |
| Registry | 65.3 | 11.7 |
| Total | 100.0 | 100.0 |

Table 1. Summary of requirements

(Thousands of United States dollars)

(1) Assessed budget

| | (a) 1996 expenditures | (b) 1997 appropriation | (c) 1998 estimates | (d) Resource change (c) - (b) | (e) Percentage change (d) / (b) |
|---|---|---|---|---|---|
| Expenditure section | 33 891.3 | 53 481.1 | 71 094.7 | 17 613.6 | 32.9 |
| Income section | 3 461.8 | 4 894.1 | 6 878.5 | 1 984.4 | 40.5 |
| Total (net) | 30 429.5 | 48 587.0 | 64 216.2 | 15 629.2 | 32.2 |

(2) Extrabudgetary resources

| | (a) 1996 expenditures | (b) 1997 estimates | (c) 1998 estimates | (d) Resource change (c) - (b) | (e) Percentage change (d) / (b) |
|---|---|---|---|---|---|
| Support activities | - | 182.6 | 480.0 | 297.4 | 162.9 |
| Substantive activities | 2 314.0 | 4 570.6 | 3 631.0 | (939.6) | (20.6) |
| Total (net) | 2 314.0 | 4 753.2 | 4 111.0 | (642.2) | (13.5) |
| Total (1) and (2) (net) | 32 743.5 | 53 340.2 | 68 327.2 | 14 987.0 | 28.1 |

(3) 1998 estimated cost of gratis personnel

| | 1998 estimates |
|---|---|
| Estimated value of contributions from donor governments/non-United Nations | 2 706.4 |
| Estimated programme support income at 13 per cent | 351.8 |

Table 2. Summary of requirements by object of expenditure

(Thousands of United States dollars)

(1) Assessed budget

| | (a) 1996 expenditures | (b) 1997 appropriation | (c) 1998 estimates | (d) Resource change (c) - (b) | (e) Percentage change (d) / (b) |
|---|---|---|---|---|---|
| (a) Expenditure | | | | | |
| Posts (net of staff assessment) | 15 766.0 | 28 228.0 | 32 070.8 | 3 842.8 | 13.6 |
| Other staff costs | 1 455.4 | 1 823.1 | 3 869.7 | 2 046.6 | 112.3 |
| Salaries and allowances of Judges (including common costs) | 1 679.2 | 1 955.0 | 2 347.9 | 392.9 | 20.1 |
| Consultants and experts | 96.1 | 391.6 | 279.8 | (111.8) | (28.6) |
| Travel | 2 089.4 | 2 700.8 | 3 027.4 | 326.6 | 12.1 |
| Contractual services | 3 689.3 | 5 096.2 | 9 047.0 | 3 950.8 | 77.5 |
| General operating expenses (gross of rental income) | 4 163.0 | 6 338.4 | 6 457.8 | 119.4 | 1.9 |
| Hospitality | 1.1 | 2.9 | 4.0 | 1.1 | 37.9 |
| Supplies and materials | 309.5 | 551.0 | 961.5 | 410.5 | 74.5 |
| Furniture and equipment | 1 180.5 | 1 500.0 | 3 638.2 | 2 138.2 | 142.5 |
| Construction, alteration, improvements and major maintenance | - | - | 2 950.6 | 2 950.6 | - |
| Staff assessment | 3 461.8 | 4 894.1 | 6 440.0 | 1 545.9 | 31.6 |
| Total expenditures (gross) | 33 891.3 | 53 481.1 | 71 094.7 | 17 613.6 | 32.9 |
| (b) Income | | | | | |
| Staff assessment | 3 461.8 | 4 894.1 | 6 440.0 | 1 545.9 | 31.6 |
| Other income | - | - | 438.5 | 438.5 | - |
| Total (a) and (b) (net) | 30 429.5 | 48 587.0 | 64 216.2 | 15 629.2 | 32.2 |

(2) Extrabudgetary resources

| | (a) 1996 expenditures | (b) 1997 estimates | (c) 1998 estimates | (d) Resource change (c) - (b) | (e) Percentage change (d) / (b) |
|---|---|---|---|---|---|
| Expenditures | | | | | |
| Posts (net of staff assessment) | 107.5 | 485.1 | 368.5 | (116.6) | (24.0) |
| Other staff costs | 429.1 | 1 492.1 | 2 536.3 | 1 044.2 | 70.0 |
| Consultants and experts | 28.2 | 6.8 | - | (6.8) | (100.0) |
| Travel | 360.3 | 361.7 | 308.7 | (53.0) | (14.7) |
| Contractual services | 40.6 | 130.2 | 280.0 | 149.8 | 115.1 |
| General operating expenses | 685.7 | 373.0 | 371.5 | (1.5) | (0.4) |
| Supplies and materials | 60.7 | 188.0 | 106.0 | (82.0) | (43.6) |
| Furniture and equipment | 601.9 | 1 716.3 | 140.0 | (1 576.3) | (91.8) |
| Total (net) | 2 314.0 | 4 753.2 | 4 111.0 | (642.2) | (13.5) |
| Total (1) and (2) (net) | 32 743.5 | 53 340.2 | 68 327.7 | 14 987.0 | 28.1 |

Table 3. Summary of post requirements

| | Temporary posts | | | | | | | |
|---|---|---|---|---|---|---|---|---|
| | Assessed budget | | Extrabudgetary resources | | Gratis personnel | | Total | |
| | 1997 | 1998[a] | 1997[b] | 1998[c] | 1997[d] | 1998 | 1997 | 1998 |
| Professional category and above | | | | | | | | |
| USG | 1 | 1 | | | | | 1 | 1 |
| ASG | 1 | 1 | | | | | 1 | 1 |
| D-2 | 1 | 1 | | | | | 1 | 1 |
| D-1 | 3 | 4 | | | | | 3 | 4 |
| P-5 | 14 | 22 | | | | | 14 | 22 |
| P-4 | 54 | 70 | | | 6 | | 60 | 70 |
| P-3 | 71 | 101 | 1 | | 16 | | 88 | 101 |
| P-2/1 | 44 | 103 | | - | 29 | | 73 | 103 |
| Subtotal | 189 | 303 | 1 | - | 51 | 0 | 241 | 303 |
| General Service and related categories | | | | | | | | |
| Principal level | 6 | 8 | | | 1 | | 7 | 8 |
| Other level | 111 | 189 | 9 | 7 | | | 120 | 196 |
| Security | 61 | 71 | | | | | 61 | 71 |
| Subtotal | 178 | 268 | 9 | 7 | 1 | 0 | 188 | 275 |
| Total | 367 | 571 | 10 | 7 | 52 | 0 | 429 | 578 |

[a] Includes 367 continuing temporary posts, 152 proposed new temporary posts, 52 gratis positions proposed for conversion to temporary posts and 12 reclassifications.

[b] Includes seven General Service (Other level) posts against the programme support account and three posts (one P-3 and two General Service (Other level)) against the voluntary trust fund account.

[c] Includes five General Service (Other level) posts against the programme support account and two General Service (Other level) posts against the voluntary trust fund account.

[d] Reflects the actual number of gratis personnel as at 3 April 1997 (General Assembly decision 51/466).

Table 4. Summary of requirements by post status

| | Professional category and above | | | | | | | | | General Service and other categories | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | USG | ASG | D-2 | D-1 | P-5 | P-4 | P-3 | P-2/1 | Subtotal | PL | OL | SS | Subtotal | Total |
| (1) Assessed budget | | | | | | | | | | | | | | |
| 1997 existing | 1 | 1 | 1 | 3 | 14 | 54 | 71 | 44 | 189 | 6 | 111 | 61 | 178 | 367 |
| New temporary posts | - | - | - | - | 3 | 14 | 14 | 32 | 63 | - | 79 | 10 | 89 | 152 |
| Reclassification | - | - | - | 1 | 5 | -4 | -2 | - | - | 1 | -1 | - | - | - |
| Conversion/gratis | - | - | - | - | - | 6 | 16 | 29 | 51 | 1 | - | - | 1 | 52 |
| Redeployment | - | - | - | - | - | - | - | - | - | - | - | - | - | - |
| Abolition | - | - | - | - | - | - | - | - | - | - | - | - | - | - |
| 1998 | 1 | 1 | 1 | 4 | 22 | 70 | 99 | 105 | 303 | 8 | 189 | 71 | 268 | 571 |
| (2) Extrabudgetary | | | | | | | | | | | | | | |
| 1997 existing | - | - | - | - | - | - | 1 | - | 1 | - | 9 | - | 9 | 10 |
| New temporary posts | - | - | - | - | - | - | - | - | - | - | 5 | - | 5 | 5 |
| Reclassification | - | - | - | - | - | - | - | - | - | - | - | - | - | - |
| Conversion | - | - | - | - | - | - | - | - | - | - | - | - | - | - |
| Redeployment | - | - | - | - | - | - | - | - | - | - | - | - | - | - |
| Abolition | - | - | - | - | - | - | -1 | - | -1 | - | -7 | - | -7 | -8 |
| 1998 | - | - | - | - | - | - | - | - | - | - | 7 | - | 7 | 7 |
| (3) Gratis personnel | | | | | | | | | | | | | | |
| 1997 existing | - | - | - | - | - | 6 | 16 | 29 | 51 | 1 | - | - | 1 | 52 |
| New temporary posts | - | - | - | - | - | - | - | - | - | - | - | - | - | - |
| Reclassification | - | - | - | - | - | - | - | - | - | - | - | - | - | - |
| Conversion | - | - | - | - | - | -6 | -16 | -29 | -51 | -1 | - | - | -1 | -52 |
| Redeployment | - | - | - | - | - | - | - | - | - | - | - | - | - | - |
| Abolition | - | - | - | - | - | - | - | - | - | - | - | - | - | - |
| 1998 | - | - | - | - | - | - | - | - | - | - | - | - | - | - |

## II. RECENT DEVELOPMENTS

11. In relation to the activities of the Office of the Prosecutor, there has been one significant recent development that has on the one hand enabled the Prosecutor to be fully engaged in the prosecution aspect of his mandate, but has nevertheless severely prejudiced the investigative mandate - the arrest of additional indicted war criminals. This has been a most welcome development and at the time of writing there are 20 persons in custody in The Hague, 5 of whom are currently being prosecuted before the Trial Chambers, 13 are awaiting trial, and 2 have appeals pending before the Appeals Chamber. Twelve of these persons awaiting trial were recently arrested. In a separate operation, Stabilization Force (SFOR) troops attempted to arrest another indicted war criminal who was armed and shot when resisting arrest after wounding one SFOR soldier.

12. On 6 October 1997, 10 former members of the political and military bodies of the Croatian community of Herceg-Bosna surrendered voluntarily into the custody of the Tribunal. This was the largest group of indicted persons to surrender and brings the number of accused persons held in detention to 20. The accused were indicted in 1995, arising out of an investigation by the Prosecutor into "the persecution on political, racial and religious grounds of the Bosnian Muslim population of the Lasva Valley region of Central Bosnia in 1993". The accused are charged jointly in two indictments, six in one and four in another, and it is the Prosecutor's intention to seek joint trials where possible. The new arrests will consequently require additional investigative resources to be diverted for trial preparation.

13. The arrest of additional indicted war criminals has had a dramatic effect on the resources of the Office of the Prosecutor. With the shift in the focus of activities from investigation to prosecution, staff resources devoted to the investigations of the atrocities committed in the former Yugoslavia have been significantly diverted to the prosecution activities to provide the requisite investigative capabilities in support of the prosecution mandate. Meanwhile, the sheer scope and magnitude of the investigative mandate, however, became more apparent as the work progressed. In this regard, it is universally recognized that atrocities and crimes were perpetrated by all parties involved in the conflict and in fact the parties themselves have admitted this fact. These atrocities were committed from the middle of 1991 until December 1995, that is, a period of almost five years. Furthermore, they were committed throughout a vast area encompassing the entire territory of Bosnia and Herzegovina and a large part of Croatia.

14. The Prosecutor is also investigating crimes committed by persons coming from the five parties involved in the conflict, that is, Yugoslavia, Croatia, and, within Bosnia and Herzegovina, the Bosnian Serbs, the Bosnian Croats and the Bosniaks. Each of the parties must be investigated separately having regard to the complex nature of the hostilities, since at different times there were over 12 separate ethnic conflicts, each of which involved a separate victim group and seven perpetrator groups. Not only is it necessary for the Prosecutor to investigate the five parties involved in the conflict, but these seven perpetrator groups must also be investigated.

15. During the consideration of the Secretary-General's 1997 budget proposal for the Tribunal, the Advisory Committee was advised that the Prosecutor was then undertaking 22 separate investigations. At that stage, 9 of those investigations were being fully pursued, 10 were under partial investigation and 3 had been suspended because of insufficient investigative resources. Since that time, owing to the arrest of other indicted accused, which has necessitated a shift of resources to support the preparation of prosecutions, only 3 investigations are being fully pursued, 7 are under partial investigation and 12 have been suspended temporarily until further resources are obtained.

16. On the basis of the information currently available, the Prosecutor anticipates that it will be necessary to undertake at least another 60 investigations before he can advise the Security Council that the Tribunal's investigation mandate has been completed. These investigations include the relevant political, military and civil leadership of the parties involved in the conflict, as well as some notorious incidents and suspects, which the international community would expect the Prosecutor to investigate. Clearly, the Prosecutor does not have any intention to investigate every alleged incident or atrocity committed during the conflict, nor to pursue every alleged suspect. In this regard the national courts must play their part.

17. It is clear that if the Prosecutor is to maintain any credible involvement in the investigation of serious violations of international humanitarian law that occurred during the conflict in the former Yugoslavia, substantial investigative resources are urgently required.

18. The increase in investigation and prosecution activities has produced a corresponding rise in the operations of the Registry. Foremost is the necessity to construct a second permanent courtroom in order to conduct primary and appellate cases simultaneously. Pending the approval of the 1998 budget for the Tribunal, which includes a proposal for the construction of a permanent courtroom, an interim facility would be built in order to handle the envisaged number of trials for 1998. This undertaking is being made possible through a voluntary contribution.

19. It is anticipated that this interim courtroom will be completed by May 1998. However, owing to lack of space and limited funding, this interim facility would not be able to handle joint trials and would also not be suited to lengthy public trials. It therefore becomes necessary to commence the construction of a second permanent courtroom in 1998. The interim courtroom will be maintained even after the second permanent facility is constructed. It will enable the Appeals Chamber to hear matters without interrupting trials at first instance in the two main courtrooms and it will be used mainly for closed session matters, in particular in the pre-trial phase, for which it is particularly well-suited because of its smaller size and the lack of a public gallery and facilities.

# III. PROGRAMME OF WORK AND RESOURCE REQUIREMENTS

## A. The Chambers

Table 5. Summary of requirements by object of expenditure

(Thousands of United States dollars)

Assessed budget

| | (a) 1996 expenditures | (b) 1997 appropriation | (c) 1998 estimates | (d) Resource change (c) - (b) | (e) Percentage change (d) / (b) |
|---|---|---|---|---|---|
| (a) Expenditure | | | | | |
| Posts (net of staff assessment) | 341.1 | 309.9 | 328.8 | 18.9 | 6.1 |
| Other staff costs | 4.2 | 11.0 | 364.5 | 353.5 | 3 213.6 |
| Salaries and allowances of Judges (including common costs) | 1 679.2 | 1 955.0 | 2 347.9 | 392.9 | 20.1 |
| Consultants and experts | - | 60.0 | 57.0 | (3.0) | (5.0) |
| Travel | 25.9 | 13.2 | 39.6 | 26.4 | 200.0 |
| Staff assessment | 67.3 | 56.2 | 65.9 | 9.7 | 17.3 |
| Total expenditure (gross) | 2 117.7 | 2 405.3 | 3 203.7 | 798.4 | 33.2 |
| (b) Income | | | | | |
| Staff assessment | 67.3 | 56.2 | 65.9 | 9.7 | 17.3 |
| Total (a) and (b) (net) | 2 050.4 | 2 349.1 | 3 137.8 | 788.7 | 33.6 |

Table 6. Summary of post requirements

| | Temporary posts | | | | | | | |
|---|---|---|---|---|---|---|---|---|
| | Assessed budget | | Extrabudgetary resources | | Gratis personnel | | Total | |
| | 1997 | 1998 | 1997 | 1998 | 1997[1] | 1998 | 1997 | 1998 |
| Professional category and above | | | | | | | | |
| P-2 | - | - | - | - | 11 | - | - | - |
| General Service category | | | | | | | | |
| Other level | 6 | 8 | - | - | - | - | 6 | 8 |
| Total | 6 | 8 | - | - | 11 | - | 17 | 8 |

[1] The 11 gratis positions of legal assistants are proposed for conversion to temporary posts and will be reflected as part of the Registry.

20. The Chambers is the judicial organ of the International Tribunal. It performs the fundamental core activity of the Tribunal, that is, the trial and determination of guilt or innocence of persons responsible for serious violations of international humanitarian law within the territory of the former Yugoslavia. The Chambers' judicial activities in 1998 will aim at providing a fair trial for all accused, without undue delay. In so doing, the Chambers must at all times protect and balance the rights of the accused, the parties, victims and witnesses, all as mandated by the Statute of the Tribunal.

21. The Chambers consists of 11 Judges elected by the General Assembly for a four-year term. The year 1998 will be the first year of the second four-year term. Five of the current Judges have been re-elected for a second term and five new Judges take office on 17 November 1997. One of the newly elected Judges took office in June 1997 to replace an outgoing Judge who resigned for reasons of ill health.

22. Within Chambers, three Judges are appointed to each of the two Trial Chambers and five to the Appeals Chamber. A new assignment of Judges to each of those Chambers will occur in November 1997 when the new Judges take office. Depending upon the number of indictees surrendered to the International Tribunal in 1998, individual Judges may be assigned to Trial Chambers by the President in various combinations so as to allow the full utilization of judicial resources at both the trial and pre-trial stage and so as to minimize interruptions once the trial process has begun.

23. Under the Statute of the International Criminal Tribunal for Rwanda, the Appeals Chamber of the International Tribunal for the Former Yugoslavia also serves as the Appeals Chamber for the International Criminal Tribunal for Rwanda.

24. Pursuant to General Assembly decision 51/319 B of 15 September 1997, the three Judges sitting on the Čelebići case have been extended until the completion of the case, which is expected to occur by or before 17 November 1998. Provision for salaries and benefits for these Judges has been included in these cost estimates for the period up to 17 November 1998.

25. Trials of accused form the main part of Chambers activity and, with the use of the interim courtroom facility funded from voluntary contributions, the Chambers expects to conduct five trials and three appeals in 1998. This is a significant increase in judicial activity over 1996 (one trial and one appeal) and 1997 (two trials and one appeal). Based on the experience of the International Tribunal to date, it is estimated that each trial will last an average of 100 sitting days. Consequently, the two Trial Chambers are expected to sit continuously throughout the year (240 and 159 sitting days for the main and interim courtrooms, respectively), with short breaks by arrangement between the Chambers to allow for the hearing of appeals and other matters such as pre-trial motions. With an estimated increase in the number of detainees awaiting trial in 1998 to between two and eight, hearings on pre-trial motions alone will increase in direct proportion to their number and may amount to more than 100 sitting days, based on an average of 20 pre-trial sitting days per accused.

26. Trial Chamber Judges are also responsible for the review and confirmation of indictments against accused to ensure that the Prosecutor has met the required standard for prosecution. They are also required to consider and, where appropriate, issue warrants of arrest and seizure, together with any other orders sought by a party for the proper conduct of a case. Pursuant to the Rules of Procedure and Evidence, Trial Chamber Judges maintain a duty roster on a fortnightly basis to ensure that one Judge from each Trial Chamber is available on short notice 24-hours a day. Increased cooperation with the International Tribunal by States and international organizations such as SFOR with regard to the apprehension of suspects should automatically result in an increase in such activities within Chambers.

27. The Rules of Procedure and Evidence have been recently amended to provide for a State to request review by the Appeals Chamber of a decision of a Trial Chamber, where the decision directly affects that State, which raises issues of general importance relating to the powers of the International Tribunal. The amendment is expected to increase the judicial activities of the Appeals Chamber in 1998 as the range of issues addressed by the Trial Chambers increases with the number of proceedings held. A proposal from the Prosecutor to expand the potential for interlocutory appeals is also to be considered by the Judges in October 1997.

28. All of the above judicial activities constitute direct implementation of the main function of the International Tribunal, which is the prosecution of persons responsible for serious violations of international humanitarian law.

29. The Judges meet in plenary session at the seat of the Tribunal, usually three to four times a year as required to decide upon matters relating to the functioning of the International Tribunal, as provided for in the Statute and the Rules. Inter-sessional working groups of three to four Judges are established by the President to review and report to the full plenary on various issues, such as adoption and amendment of the Rules of Procedure and Evidence, as required. In 1997 three plenary sessions were scheduled, totalling 10 days. Dates of the plenary sessions for 1998 will be set in November 1997.

30. In addition to preparing and submitting the annual report of the International Tribunal to both the Security Council and the General Assembly, the President is charged by the Rules of Procedure and Evidence with the task of reporting to the Security Council instances of non-compliance by States with orders of the International Tribunal.

31. A new President will be elected in November 1997 and it is possible that he or she will choose to increase the level of liaison with Governments and non-governmental organizations during his or her first year in office so as to continue to promote international understanding of and cooperation with the Tribunal. Members of Chambers have also been invited to address the Preparatory Commission on the Establishment of a Permanent International Criminal Court. Such activities form a key element in promoting international cooperation and liaison with the International Tribunal.

32. Under rule 64 of the Rules of Procedure and Evidence, the President is responsible for any variation in the conditions of detention of persons in the

detention unit. A number of applications under this rule have already been made and resolved and more can be expected with the increased number of detainees in the detention unit. Under the Rules of Detention, the President shall be the final arbiter on all complaints and other matters regarding detainees.

Activities

33. During 1998 the following activities will be undertaken:

(a) Substantive activities

(i) Courtroom activities. Initial appearances, pre-trial motions, status conferences, interlocutory appeals, trials, sentencing procedures, appeals, reviews, rule 61 hearings and deferrals;

(ii) Judicial activities. Review and confirmation of indictments, applications for pre-surrender orders and warrants to assist investigations;

(iii) Reporting to organs of the United Nations. Reports by the President as requested by a Trial Chamber or the Prosecutor to the Security Council as to non-compliance by States with orders of the International Tribunal and the annual report to the Security Council and the General Assembly;

(iv) Issuance of requests for assistance to States;

(v) Publications. Responsible for adoption and amendment of the Rules of Procedure and Evidence and the Rules of Detention, overall supervision and policy direction of publications such as the basic documents and the Yearbook in both working languages of the International Tribunal and in both hard copy and electronic formats;

(vi) Opinions, decisions, judgements of trial proceedings. Sole body responsible for research, preparation, drafting, editing and issuing of all such documents in both working languages of the International Tribunal and in both hard copy and electronic formats and external publication in book form;

(vii) Press releases and press conferences. Although Judges in trial usually refrain from giving press interviews, the President issues press releases on matters of importance to the International Tribunal as a whole and participates in media interviews on relevant topics;

(viii) Special events. Hosting visiting dignitaries, usually at the ambassadorial or Foreign Minister level and Heads of State, introducing them to and explaining courtroom activities and facilities, establishing and maintaining high-level contacts with Governments of Member States to facilitate and improve cooperation with the International Tribunal and swearing in of new Judges as required;

(b) International cooperation and liaison

(i) Non-governmental organizations. Regular requests for speakers and participation in seminars, conferences and symposiums on all aspects of judicial activities, requests to non-governmental organizations and others for submission of amicus curiae briefs on issues of general importance under consideration by the Chambers;

(ii) Participation in activities within the United Nations system. Annual speech by the President to the General Assembly, participation in meetings concerning the role of the International Tribunal within the United Nations system, providing the Appeals Chamber of the International Criminal Tribunal for Rwanda and participation in discussions concerning the establishment of a permanent international criminal court.

34. The performance indicators would be as follows:

| Performance indicator: Chambers | 1996 | 1997 | 1998 |
|---|---|---|---|
| Trials | 1 | 2 | 5 |
| Appeals (full and interlocutory) | - | 3 | 4 |
| Court days | 136 | 170 | 399 |
| Plenary days | 16 | 12 | 15 |
| Pre-trial motions, orders and applications | 152 | 100 | 200 |
| Order, warrants and other issues by a single Judge | 115 | 75 | 150 |

## Resource requirements

### Posts

35. The estimated requirements of $328,800 would include provision for the continuation of six General Service (Other level) staff and reflect a resource growth of $18,900, representing the net effect of the establishment of two new temporary General Service (Other level) posts and the application of the new standard costs. With the anticipated increase in trial and appellate activities during 1998, the two new posts are required to strengthen the secretarial support for the 11 Judges (see annex IV, para. 1). The estimated annual full cost of the two new temporary posts would amount to $89,700 net ($107,600 gross). A summary of new posts by functional title follows:

| | General Service and related categories | | | |
|---|---|---|---|---|
| | Principal level | Other level | Security and Safety | Total |
| The Chambers: proposed new posts | | | | |
| Judges' secretaries | - | - | 2 | 2 |

Other staff costs

36. An estimate of $364,500 is proposed for temporary assistance ($345,000) to provide secretarial and legal research assistance support for the three Judges whose terms of office have been extended in order to complete the Čelebići trial and overtime requirements ($19,500) for secretarial and administrative support.

Salaries and allowances of Judges

37. The estimated requirements of $2,347,900 take into account the proposals to be outlined in the report of the Secretary-General on conditions of service and allowances of the Judges of the International Tribunal, which includes the following:

(a) Annual salary of $145,000 for each of 11 Judges ($1,595,000), plus a provision for three additional Judges through 17 November 1998 ($381,400);

(b) An additional special allowance of $15,000 per annum for the President of the Tribunal ($15,000);

(c) An additional special allowance for the Vice-President of $94 for every day he or she acts as President, up to $9,400 per year ($9,400);

(d) Common costs of Judges ($347,100) to cover the relocation allowance of three eligible Judges ($133,800) and provision for removal of household effects ($30,000); travel on home leave for two Judges ($10,000); education grant allowance for four of the newly elected Judges ($60,000); pension of five Judges ($73,100); and benefits for the survivor of one deceased Judge ($40,200).

Consultants and experts

38. A provision of $57,000 is required to cover the services of five amici curiae ($48,100) to prepare specialized legal briefs based on expertise not available in the Chambers, plus travel expenses ($8,900) for those persons to appear before the International Tribunal. Amici curiae briefs are either solicited by the Tribunal or granted to individuals on the basis of court requirements.

Travel

39. Estimated requirements of $39,600 would provide for the travel of the President, accompanied by a Legal Officer, to the former Yugoslavia for high-level contacts and to visit Central and Western European States to address senior government officials as well as to request support for the Tribunal, including financial assistance in terms of voluntary contributions. Resources under this heading would also provide for the travel of the President to present the annual report of the Tribunal to the General Assembly. The estimate reflects a significant increase in comparison with previous periods as it is anticipated that the new President who will be elected in November 1997 may wish to conduct more extensive travel in the first year of office in order to build upon contacts and supplement the level of cooperation with the International Tribunal.

Staff assessment

40. Staff assessment is estimated at $65,900.

## B. Office of the Prosecutor

Table 7. Summary of requirements by object of expenditure

(Thousands of United States dollars)

1. Assessed budget

| | (a) 1996 expenditures | (b) 1997 appropriation | (c) 1998 estimates | (d) Resource change (c) - (b) | (e) Percentage change (d) / (b) |
|---|---|---|---|---|---|
| (a) Expenditure | | | | | |
| Posts (net of staff assessment) | 9 251.1 | 14 898.7 | 17 034.8 | 2 136.1 | 14.3 |
| Other staff costs | 60.8 | 60.0 | 53.8 | (6.2) | (10.3) |
| Consultants and experts | 96.1 | 297.6 | 144.1 | (153.5) | (51.6) |
| Travel | 1 436.4 | 1 513.8 | 1 881.4 | 367.6 | 24.3 |
| Contractual services | - | 20.0 | 19.2 | (0.8) | (4.0) |
| Staff assessment | 1 789.8 | 2 542.0 | 3 329.3 | 787.3 | 31.0 |
| Total (gross) | 12 634.2 | 19 332.1 | 22 462.6 | 3 130.5 | 16.2 |
| (b) Income | | | | | |
| Staff assessment | 1 789.8 | 2 542.0 | 3 329.3 | 787.3 | 31.0 |
| Total (a) and (b) (net) | 10 844.4 | 16 790.1 | 19 133.3 | 2 343.2 | 14.0 |

2. Extrabudgetary resources

| | (a) 1996 expenditures | (b) 1997 estimates | (c) 1998 estimates | (d) Resource change (c) - (b) | (e) Percentage change (d) / (b) |
|---|---|---|---|---|---|
| Expenditure | | | | | |
| Temporary posts | - | 152.2 | 0.0 | (152.2) | (100.0) |
| Other staff costs | - | 1 071.2 | 2 536.3 | 1 465.1 | 136.8 |
| Travel | 360.3 | 359.7 | 308.7 | (51.0) | (14.2) |
| Contractual services | - | 82.0 | 280.0 | 198.0 | 241.5 |
| General operating expenses | 281.9 | 57.8 | 260.0 | 202.2 | 349.8 |
| Supplies and materials | - | 91.0 | 106.0 | 15.0 | 16.5 |
| Furniture and equipment | - | 376.8 | 140.0 | (236.8) | (62.8) |
| Total (net) | 642.2 | 2 190.7 | 3 631.0 | 1 440.3 | 65.7 |
| Total (1) and (2) (net) | 11 486.6 | 18 980.8 | 22 764.3 | 3 783.5 | 19.9 |

Table 8. Summary of post requirements

| | Temporary posts | | | | | | | |
|---|---|---|---|---|---|---|---|---|
| | Assessed budget | | Extrabudgetary resources | | Gratis personnel | | Total | |
| | 1997 | 1998[a] | 1997[b] | 1998 | 1997[c] | 1998 | 1997 | 1998 |
| Professional category and above | | | | | | | | |
| USG | 1 | 1 | - | - | - | - | 1 | 1 |
| D-2 | 1 | 1 | - | - | - | - | 1 | 1 |
| D-1 | 1 | 2 | - | - | - | - | 1 | 2 |
| P-5 | 11 | 13 | - | - | - | - | 11 | 13 |
| P-4 | 35 | 44 | - | - | 6 | - | 41 | 44 |
| P-3 | 43 | 65 | - | - | 16 | - | 59 | 65 |
| P-2/1 | 29 | 57 | - | - | 6 | - | 35 | 57 |
| Subtotal | 121 | 183 | 0 | 0 | 28 | 0 | 149 | 183 |
| General Service category | | | | | | | | |
| Principal level | 1 | 1 | - | - | - | - | 1 | 1 |
| Other level | 51 | 94 | 2 | - | - | - | 53 | 94 |
| Subtotal | 52 | 95 | 2 | 0 | 0 | 0 | 54 | 95 |
| Total | 173 | 278 | 2 | 0 | 28 | 0 | 203 | 278 |

[a] Includes 173 continuing temporary posts, 77 proposed new temporary posts, 28 gratis positions that would be proposed for conversion to temporary posts and 3 reclassifications.

[b] Includes 2 General Service (Other level) posts against the programme support account.

[c] Reflects the actual number of gratis personnel as at 3 April 1997 (General Assembly decision 51/466).

41. The Office of the Prosecutor is mandated to both investigate and prosecute persons responsible for serious violations of international humanitarian law committed in the territory of the former Yugoslavia since 1991. The objectives of the Office are, firstly, to undertake and complete professional investigations that are strong enough to withstand critical scrutiny at the highest levels into the alleged criminal activities of those persons most responsible for the atrocities that occurred during the conflict in the former Yugoslavia. Secondly, it aims to present fair and professional prosecutions before the Chambers of the Tribunal that would satisfy the standards expected of an international tribunal.

42. Developments during 1997 have resulted in a substantial shift of investigative resources from investigations to the prosecution phase of the Tribunal's work. As a result and in order to meet the Prosecutor's dual mandate, it has been necessary to undertake a restructuring of the Office. It

is organized into four main sections, each responsible for a separate but overlapping activity. These sections comprise the Immediate Office of the Prosecutor, the Prosecution Section, the Investigation Section and the Information and Evidence Section. The functions and responsibilities of each of these offices are described in the organizational manual of the Tribunal, a draft of which will be made available to the Advisory Committee.

43. The Immediate Office of the Prosecutor is responsible for the overall management and direction of the Office, providing the legal, investigative and policy framework within which the objectives of the Office will be achieved. It also maintains high-level dealings with Member States and the international community generally. The activities of the Immediate Office are aimed at ensuring that the Office of the Prosecutor performs efficiently and is focused on achieving the objectives of each section within the Office. This is accomplished by providing clear leadership, guidance and instructions to those responsible for the implementation of the Prosecutor's mandate. A major new activity during 1997 that will have an impact on the work of the Immediate Office is the rise in appellate work being generated before the Appeals Chamber, which adjudicates appeals in respect of both Tribunals.

44. The Office of the Prosecutor has undergone a substantial reorganization during the latter half of 1997 to meet new and changing circumstances that have arisen as a result of the increase in court activity. This has involved the restructuring of the Prosecution and Investigation Sections. In addition, the former Legal Advisory Section, renamed the Legal Advisory Unit, has been incorporated into the Prosecution Section to provide independent specialized legal advice to the Office of the Prosecutor, in particular in relation to international law and comparative criminal law. Also, the Team Legal Advisers from the Investigation Section have been redeployed to the Prosecution Section to consolidate resources for trial support. Prior to the reorganization, there was no systematic way to guarantee such coordination nor to respond to developing and sometimes changing legal positions to be adopted by the Prosecutor as a result of the decisions emanating from the Trial and Appeals Chambers. It is essential that this management function be undertaken to achieve a consistent and uniform approach to prosecutions and any subsequent appeals. This approach also provides for the deployment of legal expertise where and when required, including the provision of investigation support, motion and trial work, legal research and drafting or writing reports.

45. The Prosecution Section is responsible for the preparation and conduct of trial proceedings before the Chambers of the Tribunal. It is the Prosecutor's objective to prosecute at least five trials during 1998 and to prepare at least two other trials to the point that they can commence immediately upon the conclusion of a trial. The Section also plans to be in a position to provide ongoing legal direction and assistance to the investigation teams; to provide specialist legal advice and opinions to the Prosecutor and other staff in the Office of the Prosecutor in matters of international law through identification of issues that arise during the course of investigations; to advise on the requirements of international law in respect of investigations; to prepare legal opinions and advice for presentation before the Chambers; and to prepare responses to motions filed by defence lawyers.

46. The Investigation Section, which comprises nine investigation teams, a Forensic Unit, a Fugitive Intelligence and Sensitive Sources Unit, a Leadership Research Team and a Military Analysis Team, is fully involved in the conduct of investigations into matters which fall within the Tribunal's jurisdiction. The Investigation Section has also undergone restructuring. Noting the comments of the Advisory Committee (A/51/7/Add.7, para. 25), the Prosecutor has restructured the Section by disbanding the former Strategy Team. The essential research and intelligence functions undertaken by the Strategy Team will now be performed by two new, smaller teams, namely the Leadership Research Team and the Military Analysis Team. The Prosecutor intends to have a total of 12 investigations fully active during 1998, subject to the availability of resources. For organizational purposes, the investigative teams are evenly structured, but the investigative strategy, in terms of the number of teams in the Section, has always been to assign resources to particular investigations in accordance with the needs of the investigation. This flexible approach has meant that some teams are larger than others, depending on the needs of each particular investigation. It is anticipated that the 12 investigations to be undertaken during 1998 will result in about six indictments being submitted for confirmation by the end of the year.

47. At the present time, with a large proportion of investigative staff engaged in trial work and trial preparation, it is not possible to increase the current level of investigative activity beyond three active cases. If more accused are arrested or surrender in the coming months, it will be necessary to redeploy further investigative resources to the Prosecution Section, thus reducing even further the level of investigative activity. The shortage of analysts in the Office of the Prosecutor has also had a particularly severe impact on the investigation of the political and military leadership of each of the parties to the conflict in the former Yugoslavia, which remains a significant focus of the Prosecutor's investigations.

48. The Prosecutor expects to continue the mass grave exhumation programme in 1998, although the continued presence of an international military force in Bosnia and Herzegovina such as SFOR will play a vital role in the ability of the Prosecutor to complete this important part of the investigation process. It is anticipated that at least five mass grave exhumations will be undertaken in 1998, with a view to gathering forensic evidence that particular victims named in indictments have died. As in 1997, the mass grave exhumation programme will be funded primarily from extrabudgetary resources.

49. The Information and Evidence Section is responsible to the Prosecutor for the retention, storage, security and retrieval of information and physical evidence obtained in the course of the Prosecutor's investigations. The Prosecutor has an obligation to undertake this mandate, pursuant to rule 41 of the Rules of Procedure and Evidence of the Tribunal. The Section also provides specialized computer services support to the whole of the Office of the Prosecutor. The Section comprises the Evidence Unit, the Information Support Unit and the Systems Development Unit. The Section provides essential support to all Sections of the Office.

50. During 1998 the Section must to be able to support all of the investigations and prosecutions undertaken by the Office of the Prosecutor,

including 12 investigations by the Investigation Section; six major projects by the Leadership Research Team; four Prosecution teams conducting trials and two teams preparing cases for trial. The Section will process (register, index and enter onto the computer system and databases) an estimated 3,000 to 4,000 documents per month (approximately 21,000 to 28,000 pages), which are expected to be generated or received by the Investigation Section in the conduct of 12 fully active investigations. Further, the Section will also index and process relevant parts of about 200,000 pages of documents that have recently been collected by the Research Team. This material, which constitutes a new backlog, is additional to the material currently being processed as part of the backlog coding project, which is funded from a donation from the Government of the Netherlands. That particular backlog coding project will be completed during 1998. Furthermore, provided sufficient resources are made available, the Section will attempt to clear the indexing and processing of the backlog of about 1,500 video and 200 audio tapes, 10,000 to 12,000 photographs and approximately 36 to 38 cubic metres of physical evidence collected by the Forensic Unit.

51. Other developments in the Office of the Prosecutor would include the completion of a missing persons identification project, the International Police Task Force (IPTF) local police project and the further development of the "Rules of the Road" project.

52. In terms of post requirements, subject to approval of the resources contained in this proposal and provided there is no change to current circumstances such as there being no resumption of military hostilities, the Office of the Prosecutor will reach in 1998 its maximum potential to undertake the dual mandate as provided in the Statute of the Tribunal.

Activities

53. During 1998 the following activities will be undertaken:

(a) Substantive activities

(i) Investigations activities. Conduct investigations to gather relevant admissible evidence from witnesses, documents, periodicals, press and other sources; analyse political, military and civilian information and material held by the Office of the Prosecutor; conduct forensic crime scene examinations; gather intelligence on indicted war criminals, leading to arrests; gather additional evidence in support of prosecutions upon arrest of indicted accused; prepare briefs of evidence for submission of indictments; in liaison with the Victims and Witnesses Unit, ensure witnesses attend trial; and testify at trial proceedings, rule 61 hearings and indictment reviews;

(ii) Exhumation activities. Carry out exhumation of mass graves followed by forensic examination of remains both in situ and under laboratory (morgue) conditions (funded from extrabudgetary resources);

(iii) Prosecution activities. Draft indictments and appear before Judges for confirmation proceedings; prosecute trials before Trial Chambers;

prosecute or respond to all appeals before the Appeals Chamber; present evidence in rule 61 hearings to obtain international arrest warrants; conduct extensive searches for relevant material to be disclosed to defence; prepare miscellaneous applications for orders from Judges or Trial Chambers, including applications for subpoenas, search warrants, detention of suspects, transmission of arrest warrants; respond to Defence Motions; and prepare reports under rule 61 relating to advertising of indictments;

(iv) Information management activities. Manage the Office of the Prosecutor's information databases, such as the criminal intelligence database, the information index database and the electronic document management system; index evidentiary material and information sources including witness statements, video and audio tapes, intelligence material submitted under rule 70 and press and other relevant open sourced material; integrate evidence and witness statements into the information databases; carry out custody, control and storage of material submitted under chain-of-custody procedures, including decontamination and preservation; conduct database searches for disclosure of evidence to defence counsel; and conduct database application development, modification and testing for the Office of the Prosecutor;

(v) Appeals for assistance. Address requests to States and non-governmental organizations for assistance pursuant to the rules and articles of the Statute of the Tribunal, including identification and location of witnesses, supplying relevant evidence, authentification of evidence and provision of security for witnesses and evidence; issue requests to States for confidential information under rule 70; make appeals to States, non-governmental organizations and private individuals for funds for extrabudgetary activities or for contributions in kind; and issue appeals to the SFOR, the United Nations Mission in Bosnia and Herzegovina (UNMIBH) and the United Nations Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium (UNTAES) for security assistance for investigative missions, exhumation activities, arrest of indicted persons and security of witnesses;

(vi) Press releases, statements and conferences. Hold press conferences during visits to the former Yugoslavia, Geneva and New York; and press interviews by the Prosecutor and Deputy Prosecutor and joint press conferences on the occasion of visits by high-level delegations;

(vii) Special events. Organize the Former Yugoslavia and Rwanda Tribunals' training workshop on crimes of sexual violence; and briefings to the diplomatic community;

(b) <u>International cooperation and liaison</u>

(i) International bodies. Maintain regular contacts with the North Atlantic Treaty Organization (NATO), the Supreme Allied Commander Europe (SACEUR), SFOR, Interpol, the Office of High Representative in

Bosnia and Herzegovina, the International Committee of the Red Cross (ICRC), the Organization for Security and Cooperation in Europe (OSCE) and the European Commission military monitors for discussions on matters of mutual cooperation and planning future operations;

(ii) Non-governmental organizations. Maintain regular contacts with many non-governmental organizations, including Physicians for Human Rights, Human Rights Watch, Norwegian People's Aid, Amnesty International, the American Bar Association, the Coalition for International Justice, the International Commission of Jurists, the Council on Foreign Relations, the International Peace Academy, the International Rehabilitation Council For Torture Victims, the European Action Council and United Nations Watch;

(iii) United Nations organizations. Maintain regular contact with the Office of the United Nations High Commissioner for Refugees (UNHCR), UNTAES, UNMIBH/IPTF and the United Nations Secretariat for discussions on matters of mutual cooperation and planning future operations.

54. The performance indicators would be as follows:

| Performance indicators: prosecution | 1996 | 1997[a] | 1998[a] |
|---|---|---|---|
| Motions/applications/responses | 77 | 105 | 360 |
| Trials under preparation | 2 | 3 | 4 |
| Trials being prosecuted | 1 | 2 | 5 |
| Trials completed | 1 | - | 4 |
| Verdicts | 1 | 1 | 4 |
| Appeals | - | 3 | 6 |

[a] Estimates.

| Performance indicators: investigations | 1996 | 1997[a] | 1998[a] |
|---|---|---|---|
| Number and status of investigations | 28 (9 active; 10 partially active; 3 suspended; 6 completed) | 10 (3 active; 7 partially active) | 12 (12 fully active) |
| Investigations (resulting in public indictments) | 4 | 1 | 6 |
| Missions | 266 | 400 | 650 |
| Witnesses interviewed | 1 693 | 2 300 | 4 600 |
| Statements obtained | 1 499 | 2 000 | 4 000 |
| Leadership research team | | | |
| Major projects/reports prepared for teams | 20 | 20 | 40 |
| Number of missions | 15 | 18 | 35 |
| Documents examined | 3 000 | 5 000 | 15 000 |
| Military analysis team | | | |
| Number of missions | 38 | 26 | 45 |
| Number of interviews | 70 | 52 | 85 |
| Documents analysed | 11 000 | 15 000 | 21 000 |
| Confidential (rule 70) documents collection | 6 000 | 8 000 | 12 000 |
| Confidential (rule 70) documents analysed | 1 500 | 3 500 | 5 000 |
| Fugitive Intelligence and Sensitive Sources Unit | | | |
| Intelligence reports from Interpol, etc. | 750 | 830 | 1 000 |
| Requests from Governments | 227 | 2 190 | |
| Forensic Unit | | | |
| Number of forensic missions (excluding exhumations) | 10 | 4 | 10 |
| Number of mass grave sites assessed for possible exhumation activity | 9 | 9 | 20 |
| Actual mass grave exhumations completed | 7 | 2[b] | 8 |
| Number of bodies exhumed and examined | 625 | 65[b] | -[c] |

[a] Estimates.

[b] September 1997.

[c] Not available.

| Performance indicators: information and evidence | 1996 | 1997[a] | 1998[a] |
|---|---|---|---|
| Number of documents held in the evidence collection of the Office of the Prosecutor (cumulative size of collection) | 68 000 (480 000 pages) | 113 000 (791 000 pages) (estimated increase of 45 000 documents) | 161 000 (1 127 000 pages) (estimated increase of 48 000 documents) |
| | | 93 000 documents (653 000 pages)[b] | |
| | 965 videos | 1 500 videos (increase: 535) | 1 800 videos (estimated increase of 300) |
| | | 36 cubic metres of physical evidence | 74 cubic metres of physical evidence |
| Criminal intelligence database | | | |
| Relationships entered (cumulative total) | 148 661 | 374 560[c] | 599 200 (estimated increase of 224 640) |
| Documents entered (cumulative total) | 1 171 | 2 893[d] | 4 629 (estimated increase of 1 736) |

[a] Estimates.

[b] As at 31 July 1997.

[c] 284,560 as at 22 September 1997.

[d] 2,198 as at 22 September 1997.

## Resource requirements

### Posts

55. The estimated requirements of $17,034,800 would provide for the continuation of 173 temporary posts and reflect a resource growth of $2,136,100, representing the net effect of the application of the new standard costs, the delayed impact of 12 posts newly established in 1997, the establishment of 77 new posts in 1998, the conversion of 28 gratis personnel positions to new 1998 temporary posts and the reclassification of three existing posts in view of the complexity and expanding responsibilities related to the increased level of prosecution, investigation and management of information and physical evidence obtained in the course of the Prosecutor's investigations anticipated for 1998 (see annex IV, paras. 2-56). The estimated annual full cost of the new temporary posts would amount to $6,768,200 net ($8,107,300 gross). A summary of new posts by functional title follows:

| | Professional category and above | | | | | | General Service and other categories | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | D-1 | P-5 | P-4 | P-3 | P-2 | Subtotal | PL | OL | SS | Subtotal | Total |
| Office of the Prosecutor | | | | | | | | | | | |
| (a) Proposed new temporary and reclassified posts | | | | | | | | | | | |
| Office of the Prosecutor and Deputy Prosecutor | | | | | | | | | | | |
| Appeal Counsel | - | 1 | - | - | - | 1 | - | - | - | - | 1 |
| Special Assistant | - | - | 1 | - | - | 1 | - | - | - | - | 1 |
| Prosecution Section | | | | | | | | | | | |
| Chief | 1 | (1) | - | - | - | - | - | - | - | - | - |
| Senior Trial Attorney | - | 2 | - | - | - | 2 | - | - | - | - | 2 |
| Trial Co-Counsel | - | - | 1 | - | - | 1 | - | - | - | - | 1 |
| Trial Co-Counsel | - | - | 1 | (1) | - | - | - | - | - | - | - |
| Legal Officer (International law) | - | - | - | 1 | - | 1 | - | - | - | - | 1 |
| Legal Officer (Comparative Criminal Law) | - | - | - | 1 | - | 1 | - | - | - | - | 1 |
| Legal Officer | - | - | - | - | 1 | 1 | - | - | - | - | 1 |
| Case manager | - | - | - | - | - | - | - | 6 | - | 6 | 6 |
| Trial support assistant | - | - | - | - | - | - | - | 3 | - | 3 | 3 |
| Investigations - Commanders Unit | | | | | | | | | | | |
| Investigations Tracking Analyst | - | - | - | 1 | - | 1 | - | - | - | - | 1 |
| Investigations - Forensic Unit | | | | | | | | | | | |
| Anthropologist | - | - | - | 1 | - | 1 | - | - | - | - | 1 |
| Investigations - Fugitive Intelligence and Sensitive Sources Unit | | | | | | | | | | | |
| Investigator | - | - | - | - | 1 | 1 | - | - | - | - | 1 |
| Military Analysis Team | | | | | | | | | | | |
| Military Analyst | - | - | - | - | 2 | 2 | - | - | - | - | 2 |
| Investigations - Teams (Nine) | | | | | | | | | | | |
| Investigator | - | - | - | 2 | - | 2 | - | - | - | - | 2 |
| Investigator | - | - | - | - | 15 | 15 | - | - | - | - | 15 |
| Criminal Intelligence Analyst | - | - | - | - | 3 | 3 | - | - | - | - | 3 |

| | Professional category and above | | | | | | General Service and other categories | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | D-1 | P-5 | P-4 | P-3 | P-2 | Subtotal | PL | OL | SS | Subtotal | Total |
| Investigations - Administrative Support | | | | | | | | | | | |
| Language assistant | - | - | - | - | - | - | - | 10 | - | 10 | 10 |
| Secretary | - | - | - | - | - | - | - | 1 | - | 1 | 1 |
| Investigations - Operations offices - Belgrade | | | | | | | | | | | |
| Operations Officer | - | - | - | - | 1 | 1 | - | - | - | - | 1 |
| Information and Evidence Section | | | | | | | | | | | |
| Systems Development Officer | - | - | - | 1 | (1) | - | - | - | - | - | - |
| Video assistant | - | - | - | - | - | - | - | 1 | - | 1 | 1 |
| Information integration supervisor | - | - | - | - | - | - | - | 2 | - | 2 | 2 |
| Information integration clerk | - | - | - | - | - | - | - | 10 | - | 10 | 10 |
| Document indexing supervisor | - | - | - | - | - | - | - | 1 | - | 1 | 1 |
| Document indexing clerk | - | - | - | - | - | - | - | 9 | - | 9 | 9 |
| Total | 1 | 2 | 3 | 6 | 22 | 34 | - | 43 | - | 43 | 77 |
| (b) Gratis positions proposed for conversion to temporary posts | | | | | | | | | | | |
| Prosecution Section | | | | | | | | | | | |
| Trial Co-Counsel | - | - | 2 | - | - | 2 | - | - | - | - | 2 |
| Legal Adviser | - | - | 2 | - | - | 2 | - | - | - | - | 2 |
| Legal Adviser | - | - | - | - | 2 | 2 | - | - | - | - | 2 |
| Investigations - Forensic Unit | | | | | | | | | | | |
| Forensic Crime Scene Examiner | - | - | 1 | - | - | 1 | - | - | - | - | 1 |
| Investigations - Leadership Research Team | | | | | | | | | | | |
| Senior Research Officer | - | - | 1 | - | - | 1 | - | - | - | - | 1 |
| Investigations - Teams | | | | | | | | | | | |
| Investigator | - | - | - | 16 | - | 16 | - | - | - | - | 16 |
| Investigator | - | - | - | - | 3 | 3 | - | - | - | - | 3 |
| Information and Evidence Section | | | | | | | | | | | |
| Video Analyst | - | - | - | - | 1 | 1 | - | - | - | - | 1 |
| Total | - | - | 6 | 16 | 6 | 28 | - | - | - | - | 28 |

Other staff costs

56. The estimated cost of $53,800 would provide for overtime requirements ($34,600) and temporary assistance for replacements during periods of extended sick leave or maternity leave ($19,200).

Consultants and expert witnesses

57. A provision of $144,100 is requested under this heading for the services of up to 18 experts and expert witnesses to assist with the prosecution of cases before the Court for up to 20 days each (15 days in trial preparation and 5 days giving evidence in The Hague). Expert witnesses are specialists in their field and are called by the Prosecutor to give expert evidence before the Tribunal in relation to such matters as the general historical, political and military context of the conflict in the former Yugoslavia. The estimate provides for a total of 360 days of consultancy, including travel and related costs.

Travel

58. Total estimated resources of $1,881,400 under this heading would provide for:

(a) Travel for investigations ($1,656,700). Travel for the purpose of conducting investigations will remain a vital component of the investigations undertaken by the Office of the Prosecutor. It is essential for investigation teams to travel to where the evidence is located in order to secure it before it is lost and to interview witnesses and record their testimony, which continues to form the overwhelming bulk of evidence in prosecution cases. In addition, since freedom of movement has increased as a result of the Dayton Agreement, the mobility of investigators has also increased and this has meant that new geographical areas are accessible to them. In particular, the discovery of many mass grave sites has meant that investigators will continue to examine many more sites than the number of graves finally exhumed;

(b) Travel for witness proofing ($138,300). In 1998, the rate of prosecutions will increase as a result of the use of a second courtroom. Consequently, the number of witnesses needing to be proofed in the field in preparation for giving evidence at the trials is anticipated to increase. Witness proofing involves a prosecuting trial attorney and an interpreter travelling to the witness in order to prepare the witness for the purpose of giving evidence. This activity is, as often as possible, carried out when the witness arrives at The Hague to testify. However, a certain amount of witness proofing must also be done within the environment where the incidents occurred in order to ensure the accuracy of the testimony. Provision is requested for one witness proofing mission for each of the six trial teams per month, with two Prosecutions Section personnel involved in each mission;

(c) Other travel ($86,400). The provision includes travel of the Prosecutor, Deputy Prosecutor and senior staff who will be required to maintain high-level contacts with cooperating Governments, including those in the former Yugoslavia, to ensure efficient implementation of activities and projects both in the former Yugoslavia and in The Hague ($57,600). The Prosecutor and Deputy

Prosecutor are also required to travel to maintain high-level contacts with cooperating organizations such as NATO and SFOR. In addition, the Prosecutor needs to appear at budget reviews before the Advisory Committee on Administrative and Budgetary Questions. Increasingly, the Prosecutor and Deputy Prosecutor have been required to travel to the former Yugoslavia to discuss voluntary surrender of indicted accused. Provision is also made for six visits to Kigali during 1998 by one legal adviser to participate in the Prosecutor's indictment review initiative ($28,800). Such indictment reviews are essential to ensure consistency in the development of legal policies and procedures for both the Rwanda and the Former Yugoslavia Tribunals.

Contractual services

59. Provision of $19,200 is requested to continue a series of courses for investigations personnel in identification techniques, which includes training in photo, video and voice recognition and identification line-ups. The skills gained from this training will be applied to the formulation of appropriate regulation of the Tribunal identification procedures.

Staff assessment

60. Staff assessment costs for the proposed staffing table of the Office of the Prosecutor are estimated at $3,329,300.

## C. The Registry

Table 9. Summary of requirements by object of expenditure

(Thousands of United States dollars)

(1) Assessed budget

| | (a) 1996 expenditures | (b) 1997 appropriation | (c) 1998 estimates | (d) Resource change (c) - (b) | (e) Percentage change (d) / (b) |
|---|---|---|---|---|---|
| (a) Expenditure | | | | | |
| Posts (net of staff assessment) | 6 173.8 | 13 019.4 | 14 702.2 | 1 687.8 | 13.0 |
| Other staff costs | 1 390.4 | 1 752.1 | 3 451.4 | 1 699.3 | 97.0 |
| Consultants and experts | - | 34.0 | 78.8 | 44.8 | 131.8 |
| Travel | 627.1 | 1 173.8 | 1 106.4 | (67.4) | (5.7) |
| Contractual services | 3 689.3 | 5 076.2 | 9 027.8 | 3 951.6 | 77.8 |
| General operating expenses (gross rental income) | 4 163.0 | 6 869.4 | 6 457.8 | (411.6) | (6.0) |
| Hospitality | 1.1 | 2.9 | 4.0 | 1.1 | 37.9 |
| Supplies and materials | 309.5 | 551.0 | 961.5 | 410.5 | 74.5 |
| Acquisition of equipment | 1 180.5 | 1 499.8 | 3 638.2 | 2 138.4 | 142.6 |
| Construction, alteration, improvements and major maintenance | - | - | 2 950.6 | 2 950.6 | - |
| Staff assessment | 1 546.9 | 2 295.9 | 3 044.9 | 749.0 | 32.6 |
| Total (gross) | 19 081.6 | 32 274.5 | 45 428.6 | 13 154.1 | 40.8 |
| (b) Income | | | | | |
| Staff assessment | 1 546.9 | 2 295.9 | 3 044.9 | 749.0 | 32.6 |
| Other income (rent) | - | 530.8 | 438.5 | (92.3) | (17.4) |
| Total (a) and (b) (net) | 17 534.7 | 29 447.8 | 41 945.2 | 12 497.4 | 42.4 |

(2) Extrabudgetary resources

| | (a) 1996 expenditures | (b) 1997 estimates | (c) 1998 estimates | (d) Resource change (c) - (b) | (e) Percentage change (d) / (b) |
|---|---|---|---|---|---|
| Expenditure | | | | | |
| Posts (net of staff assessment) | 107.5 | 332.9 | 368.5 | 35.6 | 10.7 |
| Other staff costs | 429.1 | 420.9 | 0.0 | (420.9) | (100.0) |
| Consultants and experts | 28.2 | 6.8 | 0.0 | (6.8) | (100.0) |
| Travel | - | 2.0 | 0.0 | (2.0) | (100.0) |
| Contractual services | 40.6 | 48.2 | 0.0 | (48.2) | (100.0) |
| General operating expenses | 403.8 | 315.2 | 111.5 | (203.7) | (64.6) |
| Supplies and materials | 60.7 | 97.0 | - | (97.0) | (100.0) |
| Furniture and equipment | 601.9 | 1 339.5 | - | (1 339.5) | (100.0) |
| Total (net) | 1 671.8 | 2 562.5 | 480.0 | (2 082.5) | (81.3) |
| Total (1) and (2) (net) | 19 206.5 | 32 010.3 | 42 425.2 | 10 414.9 | 32.5 |

Table 10. Summary of post requirements

| | Temporary posts | | | | | | | |
|---|---|---|---|---|---|---|---|---|
| | Assessed budget | | Extrabudgetary resources | | Gratis personnel | | Total | |
| | 1997 | 1998[a] | 1997[b] | 1998[c] | 1997[d] | 1998 | 1997 | 1998 |
| Professional category and above | | | | | | | | |
| ASG | 1 | 1 | - | - | - | - | 1 | 1 |
| D-1 | 2 | 2 | - | - | - | - | 2 | 2 |
| P-5 | 3 | 9 | - | - | - | - | 3 | 9 |
| P-4 | 19 | 26 | - | - | - | - | 19 | 26 |
| P-3 | 28 | 36 | 1 | - | - | - | 29 | 36 |
| P-2/1 | 15 | 46 | - | - | 12 | - | 27 | 46 |
| Subtotal | 68 | 120 | 1 | - | 12 | - | 81 | 120 |
| General Service category | | | | | | | | |
| Principal level | 5 | 7 | - | - | 1 | - | 6 | 7 |
| Other level | 54 | 87 | 7 | 7 | - | - | 61 | 94 |
| Security | 61 | 71 | - | - | - | - | 61 | 71 |
| Subtotal | 120 | 165 | 7 | 7 | 1 | - | 128 | 172 |
| Total | 188 | 285 | 8 | 7 | 13 | - | 209 | 292 |

[a] Includes 188 continuing temporary posts, 73 proposed new temporary posts, 24 gratis (including 11 transferred from the Chambers), positions which would be proposed for conversion to temporary posts, and 9 reclassifications.

[b] Includes five General Service (Other level) posts against the programme support account and three (one P-3 and two General Service (Other level)) posts against the voluntary trust fund account.

[c] Includes five General Service (Other level) posts against the programme support account and two General Service (Other level) posts against the voluntary trust fund accounts.

[d] Reflects the actual number of gratis personnel positions as at 3 April 1997 (General Assembly decision 51/466).

61. The Registry is one of the three constituent organs of the Tribunal and is responsible for the Tribunal's administration as well as the establishment and servicing of the judicial infrastructure of the organization. The functions of the Registry fall under two main areas of responsibility, namely, judicial management and administrative and financial support. The overall work programme of the Registry is coordinated by the Office of the Registrar. The functions

and responsibilities of each of the main offices comprising the Registry are described in the organizational manual of the Tribunal.

62. Judicial Support Services is responsible for managing courtroom activities, providing legal support to the Judges, providing legal assistance through the assignment of defence counsel to indigent accused, supervising the Tribunal's detention unit, recommending protective measures and provision of counselling and support to victims and witnesses and maintaining contacts with Member States. It is organized into six distinct units, namely, the Court Management and Support Services, Chambers Legal Section, Defence Counsel, Detention Unit, Victims and Witnesses Unit and Library and Reference Services.

63. The Tribunal is provided with administrative support, including financial administration and resource planning, human resource management and language, meetings and documentation services, as well as the use of common services to support the implementation of the work programme, including electronic support and communications and building management services.

64. During 1998, the Registry must be in a position to support all of the activities undertaken by the Chambers and the Office of the Prosecutor. Of immediate need is the construction of a second permanent courtroom in order to provide the adequate and requisite facilities for trials of accused persons without undue delay, as mandated by article 21 of the Statute. The Tribunal has investigated other alternatives, including the use of other court facilities in the area of The Hague. The unique combination of maximum security requirements, the need for adequate publicity and media access for Tribunal proceedings and the sheer length of trials render this option impracticable. No other facilities are available to the Tribunal.

65. The Tribunal has also considered lengthening the hours during which the court is used and has analysed whether trials could be speeded up by the use of extended hours within one courtroom. However, this option results in no significant staff resource savings and has an adverse effect on all matters involving external support, such as the provision of transport for the accused and security outside the Tribunal premises, all of which are provided by the host country. As a result of its survey of extended hours, the Tribunal has determined that this is not a viable alternative to the construction of a second courtroom, given the increased number of accused now awaiting trial.

66. Provision is therefore being made in the 1998 budget to complete the construction of a permanent second courtroom with facilities, in particular those relating to security and witness protection, equivalent to those in the existing courtroom. Even if this work were to commence in the first quarter of 1998, actual construction would take 9 to 12 months, with the finished courtroom not available for use before the final quarter of 1998, if then.

Activities

67. During 1998 the following activities will be undertaken:

(a) Substantive activities

(i) Victims and witnesses assistance activities. Arrangement for safe transportation of witnesses from home to The Hague, including accompaniment of secure or vulnerable witnesses where necessary; liaison with States for exit and entry permits, travel documents, safe conduct agreements and visas; liaison with host Government for protection, safe accommodation and transportation for witnesses during trials; liaison with States for pre- and post-trial protection and support services; liaison with States for temporary and permanent relocation of witnesses; and implementation policies of the Tribunal regarding reimbursement of lost earnings;

(ii) Defence counsel services. Provision to suspects or accused of access to legal assistance of their choice and where applicable, free of charge, to indigent suspects or accused; review of claims of indigence from suspects or accused; and implementation of the Directive on Assignment of Defence Counsel;

(iii) Publications. Annual Yearbook of the International Tribunal, the basic documents of The Tribunal and transcripts of trials, decisions and so on;

(iv) Electronic, audio and video issuance. Electronic production and broadcasting of trial exhibits within the courts; time-delayed video broadcast of Tribunal proceedings to public areas of the headquarters building; and real-time audio-broadcast of Tribunal proceedings to the public gallery of the courtroom in English, French, and Bosnian/ Serbian/Croatian;

(v) Booklets, pamphlets and fact sheets. Publication of the Monthly Bulletin of Tribunal activities;

(vi) Press releases. Issuance of press releases to local, national and international press regarding trial activities and visits to the two International Tribunals by persons of national and international standing;

(vii) Technical material for outside users. Publication of court transcripts on the Internet;

(b) Conference services

(i) Meetings. Simultaneous interpretation for all court hearings into and from English, French and Bosnian/Croatian/Serbian; and field interpretation covering consecutive interpretation for interviews of victims and witnesses conducted by the Investigation Teams, proofing of witnesses prior to their testimony in the courtroom, interviews with suspects or accused and interviews with detainees, either at the request of the Office of the Prosecutor or the Registry;

(ii) Translation and editorial services. Translation from and into English, French and Bosnian/Croatian/Serbian for the Registry, the Courts and the Office of the Prosecutor; occasional translation of documents submitted in other languages, such as Arabic, Dutch, German, Russian or Swedish and editorial services in respect of all documents issued in both working languages by the Chambers, such as opinions, orders and judgements of the Chambers, Rules of Procedure and Evidence, Rules of Detention, annual reports, reports of inter-sessional working groups and other official documents;

(iii) Documentation and publication services. Preparation of transcripts of court proceedings in English and French for every hearing in the courtroom, ready for distribution the same evening; and transcripts of court proceedings in English and French released on the Internet no later than seven working days after the day of the hearing;

(c) Administrative support services

(i) Overall administration and management

a. Administration of justice. Carry out the tasks entrusted to the Tribunal in the Rules of Procedure in connection with pre-trial proceedings, in particular, the procedures of confirmation, amendment or withdrawal of indictments, issue of arrest warrants, procedures in case of failure to execute a warrant, the procedure for the appearance of the accused, procedures for detention on remand and provisional release and procedures to obtain depositions. Tasks in connection with proceedings before the Trial Chambers include the organization of trials and other hearings, procedures relating to amici curiae, summons of witnesses and experts, record keeping, procedures for video-conferencing, procedures in case of contempt of court and procedures for the restitution of property and in connection with compensation to victims. In addition, functions have to be carried out in relation to appellate proceedings, review proceedings and with respect to pardons and commutations of sentences;

b. Financial management and control system. Ensure that the Tribunal complies with General Assembly resolutions, with Financial Regulations and Rules of the United Nations and with established procedures; administer the bank accounts and cash of the Tribunal; estimate cash requirements of the Tribunal, monitor and forecast the Tribunal's cash flow and develop strategies to deal with anticipated problems; improve and strengthen financial management and internal control and maintain liaison and follow-up with the External Board of Auditors and the Office of Internal Oversight Services to ensure remedial action where required; ensure timely receipt and safe custody of cash resources; improve payment systems in order to streamline processing; and enhance control mechanisms that protect payment systems and assets;

(ii) Human resource management. Ensure human resource planning, recruitment, placement and promotion systems are in place, taking into consideration equitable geographical distribution and gender balance;

(iii) Programme planning, budget and finance. Ensure that the Tribunal complies with the budgetary and accounting policies and procedures of the United Nations through:

a. Financial accounts. Processing of various financial and accounting documents; production of cash-flow forecasts on a monthly basis for regular budget, extrabudgetary funds and inter-office billing transactions; reconciliation of bank accounts; recording of remittances received; production of weekly, monthly and annual financial statements of the assessed budget and trust fund accounts for internal use and for submission to the Office of Programme Planning, Budget and Accounts of the Secretariat; maintenance of accounts; preparation of the proposed annual budget and performance reports of the Tribunal for submission to the Office; and preparation of yearly pension schedules submitted to the United Nations Joint Staff Pension Fund;

b. Payments and disbursements. Payment of salaries and related allowances and other benefits to United Nations staff, consultants and the Judges of the Tribunal; preparation of reports and statements of earnings, including annual United Nations Joint Staff Pension Fund reports and schedules; processing payments to vendors and other contractors; processing payments to special service agreement contractors; processing payments to verbatim reporters; and processing of travel claims;

c. Systems support. Support the use of the field accounting and field payroll systems locally; request system modifications via the Systems Support Section in the Accounts Division of the Secretariat or directly from vendors after consultations with New York; and prepare specifications and perform acceptance testing of the Professional payroll system using the Progen payroll application as requested by the auditors;

(iv) General services. Ensure commercial and procurement services, transportation services, facilities management and maintenance; and supervise major construction activities and minor alterations to premises;

(v) Electronic and communications services. Ensure that the Tribunal has a strong and reliable infrastructure for data processing, office automation and telecommunications;

(vi) Library services. Ensure the selection, acquisition and maintenance of documents and publications regarding international law, international legal material, humanitarian law and national law relevant to the operations of the Tribunal for the use of Judges,

staff and defence counsel; and provide on-line information services to assist staff, in particular the legal officers and Judges, with legal research and greater access to bibliographical information;

(vii) Detention facility management. Ensure detainees are secure from escape and free from attack from other detainees or from outside agencies; ensure that the Tribunal's Rules of Detention are followed with regard to personal and official visits, scheduling of exercise periods, scheduling and provision of meals; scrutinize incoming and outgoing mail; schedule duties for detention guards hired from the host Government; liaise with the host authorities and ensure that all facilities are provided as per agreements and contracts; and host visits from non-governmental organizations monitoring activities within the detention unit;

(viii) Security and safety. Ensure security of staff, indicted, accused, witnesses and visitors within the premises of the Tribunal and its field offices; enforce fire safety regulations; escort detainees and witnesses to and from trial hearings; provide initial emergency medical treatment where necessary; and coordinate with host country emergency services.

68. The performance indicators would be as follows:

| | 1996 | 1997 | 1998 |
|---|---|---|---|
| Press and information | | | |
| Media representatives/ journalists listed on distribution lists | 322 | 457 | 500 |
| Press releases issued | 114 | 170 | 200 |
| Internet home page hits | [a] | 21 000/week | 24 000/week |
| Phone queries/document requests - press | 9 500 | 13 000 | 15 000 |
| Phone queries/document requests - public | 3 300 | 4 900 | 6 500 |
| Arranged visits by universities, law societies, etc./visitors | 19/373 | 25/550 | 30/700 |
| Security and safety | | | |
| Average number of posts and patrols covered per day | 31 | 42 | 49 |
| Staff ID cards issued | 1 566 | 2 175 | 3 100 |
| Personnel screened on entry to building | 168 000 | 234 000 | 330 000 |

| | 1996 | 1997 | 1998 |
|---|---|---|---|
| Parcels inspected and X-rayed | [a] | 46 540 | 65 600 |
| Visitor badges issued | 8 985 | 12 480 | 17 600 |
| Officers covering courtroom and accused | 13 | 22 | 29 |
| Victims and Witnesses Unit | | | |
| Witnesses | 166 | 200 | 340 |
| Witness/days | 1 127 | 3 200 | 2 720 |
| Administrative applications for witnesses | 1 600 | 2 000 | 4 000 |
| Witnesses with additional protective measures | 43 | 49 | 98 |
| Relocation requests | - | 1 | 4 |
| Witnesses with additional support needs | 34 | 40 | 80 |
| Witness transport (Airport-Tribunal-airport) | 120 | 130 | 270 |
| Witness transport (Hotel-Tribunal) | 664 | 680 | 1 400 |
| Detention Unit | | | |
| Detainees (average) | 4 | 20 | 18 |
| Library and Reference Unit | | | |
| Acquisition of books | 542 | 875 | 2 000 |
| Inter-library lending service | 150 | 350 | 400 |
| Lexis (hours used) | 814 | 1 020 | 1 000 |
| External databases accessed (hours) | 400 | 550 | 800 |
| General services | | | |
| Procurement | | | |
| Purchase orders raised | 336 | 421 | 484 |
| Contracts raised | 50 | 60 | 70 |
| Local Committee on Contracts cases | 63 | 74 | 85 |

| | 1996 | 1997 | 1998 |
|---|---|---|---|
| Headquarters Committee on Contracts cases | 15 | 6 | 4 |
| Invoices processed | 940 | 1 106 | 1 271 |
| Travel | | | |
| PT8s raised | 1 741 | 1 954 | 2 247 |
| Travel invoices | 1 445 | 1 700 | 1 955 |
| Buildings management | | | |
| Work orders completed | 445 | 710 | 750 |
| Major maintenance projects | 3 | 18 | 21 |
| Electrical construction projects | 5 | 12 | 13 |
| Mail and pouch | | | |
| Outgoing mail (pieces) | 38 000 | 47 500 | 54 500 |
| Incoming mail (pieces) | 65 000 | 76 500 | 91 800 |
| Graphics | | | |
| Requests for reproduction | 747 | 1 237 | 1 500 |
| Pages reproduced (centrally) (millions) | 3.0 | 3.5 | 4.0 |
| Protocol | | | |
| Visa/ID applications | 463 | 578 | 665 |
| Receiving and inspection | | | |
| Inspection reports | 244 | 270 | 300 |
| Drivers | | | |
| Trips undertaken | 810 | 962 | 1 120 |
| Personnel services | | | |
| Staffing table | 337 | 367 | 571 |
| Other personnel (100, 200, 300 series) | 60 | 167 | 150 |
| Applications received | 2 000 | 2 200 | 2 700 |
| Offers of appointment | 115 | 150 | 200 |

| | 1996 | 1997 | 1998 |
|---|---|---|---|
| Special service agreement contracts | 416 | 500 | 600 |
| Short-term contracts | 182 | 250 | 350 |
| Budget and finance services | | | |
| Appropriation level[b] | 30.4 | 48.6 | 64.2 |
| Extrabudgetary expenditure level[b] | 1.75 | 4.0 | 4.4 |
| Payroll (regular, extrabudgetary and projects) | 340 | 478 | 700 |
| Financial statements | 5 | 12 | 12 |
| Travel claims | 1 500 | 1 900 | 3 000 |
| Disbursements | 650 | 850 | 1 150 |
| Conference and language support services | | | |
| Translation (pages per year) | 27 300 | 29 500 | 40 000 |
| Conference interpreters (days) | 800 | 1 850 | 3 100 |
| Field interpreters (days) | 2 544 | 2 600 | 4 000 |
| Verbatim reporting - French (days) | 60 | 813 | 1 440 |
| Verbatim reporting - English (days) | 240 | 340 | 798 |
| Electronic support and communications services | | | |
| Local Area Network | | | |
| Networks supported | 3 | 6 | 6 |
| Network connections | 312 | 400 | 625 |
| Helpdesk | | | |
| Calls | 13 000 | 20 800 | 33 000 |
| Calls/support person | 6 500 | 5 200 | 4 700 |
| Computers *in situ* | 335 | 390 | 550 |
| Audio-visual | | | |
| Court sessions supported | 131 | 183 | 309 |
| Video editing requests | 34 | 69 | 130 |

| | 1996 | 1997 | 1998 |
|---|---|---|---|
| Communications | | | |
| Phone extensions | 249 | 500 | 700 |
| Support requests | 1 470 | 2 175 | 3 800 |
| VSAT stations on line | - | 1 | 4 |
| Programming | | | |
| Projects | 8 | 11 | 6 |
| Applications users | 300 | 385 | 420 |

[a] Not available.

[b] Millions of United States dollars.

## Resource requirements

### Posts

69. The estimated requirements of $14,707,200 would provide for the continuation of 188 temporary posts and include a net resource growth of $1,687,800, representing the net effect of the application of the new standard costs, the delayed impact of 18 posts established in 1997, the provision for the establishment of 73 new temporary posts, the conversion of 24 gratis personnel positions to new temporary posts and the reclassification of 9 posts in view of the complexity and expanding responsibilities related to the administrative and judicial management of the Tribunal anticipated for 1998 (see annex IV, paras. 57-98). The estimated annual full cost of new temporary posts would amount to $6,027,600 net ($7,209,600 gross). A summary of new posts by functional title follows:

Summary of new posts by functional title

| | Professional category and above | | | | | | General Service and other categories | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | D-1 | P-5 | P-4 | P-3 | P-2 | Subtotal | PL | OL | SS | Subtotal | Total |
| Registry | | | | | | | | | | | |
| (a) Proposed new temporary posts | | | | | | | | | | | |
| Chambers Legal Support Unit | | | | | | | | | | | |
| Legal Officer | - | - | 1 | - | - | 1 | - | - | - | - | 1 |
| Special Assistant to the President | - | - | 1 | - | 1 | 1 | - | - | - | - | 1 |
| Secretary | - | - | - | - | - | - | - | 1 | - | 1 | 1 |
| Transcript coordinator | - | - | - | - | - | - | - | 1 | - | 1 | 1 |
| Registry Legal Section | | | | | | | | | | | |
| Secretary | - | - | - | - | - | - | - | 1 | - | 1 | 1 |
| Press and Information Office | | | | | | | | | | | |
| Press assistant | - | - | - | - | - | - | - | 1 | - | 1 | 1 |
| Internet assistant | - | - | - | - | - | - | - | 1 | - | 1 | 1 |
| Security and Safety Services | | | | | | | | | | | |
| Chief of Section | - | 1 | (1) | - | - | - | - | - | - | - | - |
| Deputy Chief | - | - | - | 1 | - | 1 | - | - | - | - | 1 |
| Security Officers | - | - | - | - | - | - | - | - | 10 | 10 | 10 |
| Court Management and Support Services | | | | | | | | | | | |
| Legal Officer | - | - | 1 | - | - | 1 | - | - | - | - | 1 |
| Usher | - | - | - | - | - | - | - | 1 | - | 1 | 1 |
| Court Record clerks | - | - | - | - | - | - | - | 1 | - | 1 | 1 |
| Court Records assistant | - | - | - | - | - | - | - | 2 | - | 2 | 2 |

| | Professional category and above | | | | | | General Service and other categories | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | D-1 | P-5 | P-4 | P-3 | P-2 | Subtotal | PL | OL | SS | Subtotal | Total |
| Detention Unit | | | | | | | | | | | |
| Chief of Unit | - | - | 1 | (1) | - | - | - | - | - | - | - |
| Administrative assistant | - | - | - | - | - | - | - | 1 | - | 1 | 1 |
| Language assistant | - | - | - | - | - | - | - | 1 | - | 1 | 1 |
| Victim and Witnesses Unit | | | | | | | | | | | |
| Chief of Unit | - | 1 | (1) | - | - | - | - | - | - | - | - |
| Administrative assistant | - | - | - | - | - | - | - | 3 | - | 3 | 3 |
| Field assistant | - | - | - | - | - | - | - | 2 | - | 2 | 2 |
| Witness clerk | - | - | - | - | - | - | - | 1 | - | 1 | 1 |
| Support Officer | - | - | - | - | 1 | 1 | - | - | - | - | 1 |
| Administrative Services | | | | | | | | | | | |
| Administrative Officer | - | - | 1 | - | - | 1 | - | - | - | - | 1 |
| Administrative Officer (outposted to the Office of the Prosecutor) | - | - | - | - | 1 | 1 | - | - | - | - | 1 |
| Library and Reference Unit | | | | | | | | | | | |
| Archivist | - | - | - | - | 1 | 1 | - | - | - | - | 1 |
| Budget and Finance Services | | | | | | | | | | | |
| Chief | - | 1 | (1) | - | - | - | - | - | - | - | - |
| Assistant (Accounts) | - | - | - | - | 1 | 1 | - | - | - | - | 1 |
| Accounts supervisor | - | - | - | - | - | - | 1 | (1) | - | - | - |
| Finance clerk (cashiers) | - | - | - | - | - | - | - | 1 | - | 1 | 1 |
| Accounting assistant (travel) | - | - | - | - | - | - | - | 1 | - | 1 | 1 |
| Accounting assistant (payroll) | - | - | - | - | - | - | - | 1 | - | 1 | 1 |

| | Professional category and above | | | | | | General Service and other categories | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | D-1 | P-5 | P-4 | P-3 | P-2 | Subtotal | PL | OL | SS | Subtotal | Total |
| Personnel Services | | | | | | | | | | | |
| Chief | - | 1 | (1) | - | - | - | - | - | - | - | - |
| Recruitment Officer | - | - | - | 1 | - | 1 | - | - | - | - | 1 |
| Personnel Officer | - | - | - | - | 1 | 1 | - | - | - | - | 1 |
| Personnel assistant | - | - | - | - | - | - | - | 2 | - | 2 | 2 |
| Conference and Language Support Services | | | | | | | | | | | |
| Reviser - French | - | - | 1 | - | - | 1 | - | - | - | - | 1 |
| Reviser - English | - | - | 2 | - | - | 2 | - | - | - | - | 2 |
| Conference Interpreters | - | - | 6 | - | - | 6 | - | - | - | - | 6 |
| Conference Interpreters | - | - | - | 5 | - | 5 | - | - | - | - | 5 |
| Electronic Support and Communications Services | | | | | | | | | | | |
| Chief | - | 1 | (1) | - | - | - | - | - | - | - | - |
| Computer Support Coordinator | - | - | - | 1 | - | 1 | - | - | - | - | 1 |
| Computer Training Officer | - | - | - | - | 1 | 1 | - | - | - | - | 1 |
| Programmer | - | - | - | - | 1 | 1 | - | - | - | - | 1 |
| LAN administrator | - | - | - | - | - | - | - | 2 | - | 2 | 2 |
| Computer support assistant | - | - | - | - | - | - | - | 2 | - | 2 | 2 |
| Computer programming assistant | - | - | - | - | - | - | - | 1 | - | 1 | 1 |
| Audio-visual technician | - | - | - | - | - | - | - | 1 | - | 1 | 1 |
| Technical director | - | - | - | - | - | - | - | 1 | - | 1 | 1 |
| Computer operations assistant | - | - | - | - | - | - | - | 1 | - | 1 | 1 |

| | Professional category and above | | | | | | General Service and other categories | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | D-1 | P-5 | P-4 | P-3 | P-2 | Subtotal | PL | OL | SS | Subtotal | Total |
| Computer training assistant | - | - | - | - | - | - | - | 1 | - | 1 | 1 |
| General Services | | | | | | | | | | | |
| Chief | - | 1 | (1) | - | - | - | - | - | - | - | - |
| Building Management Officer | - | - | - | 1 | (1) | - | - | - | - | - | - |
| Procurement Officer | - | - | - | | 1 | 1 | - | - | - | - | 1 |
| Procurement assistant | - | - | - | - | - | - | - | 1 | - | 1 | 1 |
| Travel clerk | - | - | - | - | - | - | - | 1 | - | 1 | 1 |
| Mail and pouch clerk | - | - | - | - | - | - | - | 1 | - | 1 | 1 |
| Total | - | 6 | 7 | 8 | 8 | 29 | 1 | 33 | 10 | 44 | 73 |
| (b) Gratis positions proposed for conversion to temporary posts | | | | | | | | | | | |
| Chambers Legal Support Unit | | | | | | | | | | | |
| Legal Officer | - | - | - | - | 11 | 11 | - | - | - | - | 11 |
| Judicial Support Services | | | | | | | | | | | |
| Legal Officer | - | - | - | - | 11 | 11 | - | - | - | - | 11 |
| Court Management | | | | | | | | | | | |
| Court Deputy | - | - | - | - | 1 | 1 | - | - | - | - | 1 |
| Detention Unit | | | | | | | | | | | |
| Deputy Chief | - | - | - | - | - | - | 1 | - | - | 1 | 1 |
| Total | - | - | - | - | 23 | 23 | 1 | - | - | 1 | 24 |

| | Professional category and above | | | | | | General Service and other categories | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | D-1 | P-5 | P-4 | P-3 | P-2 | Subtotal | PL | OL | SS | Subtotal | Total |
| (c) Extrabudgetary posts | | | | | | | | | | | |
| Budget and Finance Services | | | | | | | | | | | |
| Accounting assistant (vendors) | - | - | - | - | - | - | - | 2 | - | 2 | 2 |
| Personnel Services | | | | | | | | | | | |
| Personnel assistant | - | - | - | - | - | - | - | 2 | - | 2 | 2 |
| General Services | | | | | | | | | | | |
| Procurement assistant | - | - | - | - | - | - | - | 1 | - | 1 | 1 |
| Conference and Language Support Services | | | | | | | | | | | |
| Text processing clerk | - | - | - | - | - | - | - | 1 | - | 1 | 1 |
| Electronic Support and Communications Services | | | | | | | | | | | |
| Administrative assistant | - | - | - | - | - | - | - | 1 | - | 1 | 1 |
| Total | - | - | - | - | - | - | - | 7 | - | 7 | 7 |

Other staff costs

70. The estimated cost of $3,451,400 would provide for the following:

(a) Temporary assistance ($148,100). Estimated requirements would provide for the short-term recruitment of additional French, English and Bosnian/Croatian/Serbian translators and conference interpreters during periods of peak workload pertaining to courtroom activities, plenary sessions of the Judges and hearings that require simultaneous interpretation for witnesses or amici curiae in languages other than the working languages of the Tribunal;

(b) Temporary assistance - verbatim reporting ($1,198,600). The provision includes fees ($503,600) and travel-related costs ($695,000) for the services of French-language verbatim reporters who are recruited by the Tribunal on short-term contracts. The provision is based on the use of three teams of reporters for each court, with each team being made up of one Translator at the TII level and one at the TI level, for a period of 240 and 159 court/days for the main and interim courtrooms, respectively;

(c) Temporary assistance - field interpretation ($1,127,900). The provision includes fees ($862,300) and daily subsistence allowance ($265,600) for the estimated 650 investigative missions, 72 witness proofing missions and 22 missions to escort witnesses from the former Yugoslavia. These missions would require interpreters for 10 days of investigative missions, 4 days of witness proofing missions and 5 days of escort missions;

(d) General temporary assistance - witness assistance ($288,300). The witness assistance programme is an integral component of the victims and witnesses support and protection programme. From 1995 to 1997, the programme was funded through the Denmark Rehabilitation and Research Centre for Torture Victims by the European Commission. The financial support has allowed the project to run successfully as a pilot programme and the services offered have developed to become a sophisticated and valuable programme that fulfils the objectives set by the Tribunal. The Tribunal recommends that the witness assistance programme become more closely linked to the Tribunal in its management and accountability, and are requesting that the programme be funded under the assessed budget of the Tribunal. This will fulfil the joint aims of continuing the programme and allowing closer management ties between the Tribunal and the witness assistance programme;

(e) General temporary assistance - other ($426,700). Provision is for assistance to service the requirements of the Registry for replacement of staff on annual, sick or maternity leave and for recruitment of short-term staff to cover unforeseen requirements or peak workloads;

(f) Overtime and night differential ($261,800). Provision includes overtime costs ($199,600) required to cover extended court hours as well as coverage for major administrative functions during periods of peak workload and nighttime differential for services rendered by the Security Section ($62,200).

Consultants

71. Provision of $78,800 would be required for consultancy services in relation to migration of the Sun Accounts and Progen software packages from UNIX to Windows NT.

Travel

72. The provision of $1,106,400 would cover estimated requirements for the following:

(a) Travel of the Registrar and accompanying staff ($154,600) to cover consultations at United Nations Headquarters; meetings with officials from Member States and national and international judicial organizations, press meetings, conferences, training and attendance in the field on a periodic basis to execute technical and administrative policy ($53,800), as well as travel of staff members of the Victims and Witnesses Unit ($70,100) to coordinate arrangements for support and protection of witnesses and for Tribunal officials to facilitate videolink remote witness testimony for the courts ($30,700);

(b) Travel of victims and witnesses ($927,700) to cover travel and allowances of victims and witnesses ($711,900), witness support persons ($142,300), dependent children or disabled adults ($26,400) and accommodation for witness assistants ($47,100). It is anticipated that 340 victims and witnesses will travel to The Hague in 1998 for purposes of hearings and trials, split between 200 for the main courtroom and 140 for the interim courtroom;

(c) Travel of the External Board of Auditors for 1998 in connection with the audit of the Tribunal ($24,100).

Contractual services

73. Expenditure of $9,027,800 under this heading consists of the following:

(a) Defence counsel ($7,058,400). Estimated total requirements relate to the provision of counsel to suspects and the accused in accordance with the Directive on Assignment of Defence Counsel and to its amendments adopted by the Judges of the Tribunal during the eleventh plenary session, held in June 1996. Provision includes defence counsel fees and subsistence allowance ($3,954,000), travel expenses of assigned counsel in 1998 ($187,300), general costs related to investigative and procedural measures undertaken for the production of evidence ($797,400), total costs for assigned co-counsel ($2,078,500) and costs for the defence counsel assigned to detained suspects/witnesses ($41,200);

(b) Detention guards ($937,000). Provision is proposed for the services of 24 detention guards in the first half of the year (for an average of 12 detainees) and 30 guards in the second half of the year (for an average of 24 detainees) to supervise the operation of the detention facility on a round-the-clock shift basis. The estimated cost of 1,892,700 Netherlands guilders is based on the payment of f. 70,100 per guard per year;

(c) Contractual translation ($118,800). Provision is required for external translations that cannot be covered in-house. Based on current needs for this type of work, it is anticipated that approximately 6,000 pages will need to translated externally in 1998 at approximately f. 40 per page;

(d) English-language verbatim reporting ($446,500). The operational requirements relate to the hire of verbatim reporters for court sessions and hearings. Verbatim reporters are required for both the English and French languages, however, the two languages are accounted for in a totally different way. French verbatim reporters are recruited by the Tribunal as individuals on short-term contracts and provision for the services of such personnel is therefore included under temporary assistance above. Services for English verbatim reporting are provided by commercial companies via the United Nations procurement system and are therefore provided for under the heading of contractual services. The provision for English verbatim reporting is based on the use of two teams of reporters for 240 and 159 court days for the main and interim courtrooms, respectively, at an average of £695 per team per day inclusive of attendance fees, subsistence costs, accommodation costs and return airfare once per month (£333,600). The costs are based on rates established from the incumbent vendor in 1997;

(e) Security training ($56,300). Estimated requirements relate to refresher courses in medical training and fire training for existing Security Officers along with basic courses in medical training, fire training and explosives detection training for new Security Officers, basic medical training for investigators of the Office of the Prosecutor, building safety audit course for the Safety Sergeant and defensive driving training for Tribunal drivers;

(f) Technical training ($80,600). The provision is to train the technical support and applications development personnel in the Electronic Support Services Section in recent advances in techniques and processes in their fields. The above provision will cover the cost of sending Tribunal personnel to training seminars in the areas of courtroom operations, computer operations support, computer training programme support, applications development and communications technology;

(g) Management, supervisory and general training ($9,600). Provision is requested to enable staff to attend language training courses in English and French at institutions outside the Tribunal. Other training and examination activities that do not incur extra costs except for travel and daily subsistence allowance are centrally organized management training courses (six persons in 1998), language proficiency testing in the field and translator examinations (travel costs for examiners);

(h) External printing ($109,100). Provision is requested for external printing for the Tribunal's annual report and Yearbook ($39,600), map and photographic reproduction services ($62,900) and other miscellaneous administrative printing requirements ($6,600);

(i) Data-processing services ($174,600). The Tribunal has relied heavily on legal research materials made rapidly available via the Lexis-Nexis on-line legal database service. In the past, this service has been funded chiefly from

voluntary contributions, but in 1998 the donor will no longer be able to continue to support the service. Therefore funding from the regular budget is requested for 12 months of coverage at $14,400 per month, totalling $172,800 for the year. The Tribunal has also made significant use of the Internet to conduct research and make contact with external parties and funding for provider fees is requested to continue the service. The Tribunal also intends to convert the existing 10 individual accounts into a single corporate account, reducing the rate from $2,100 per year to $1,800 per year;

(j) News agency services ($36,900). In order to keep current with the developing situation in the former Yugoslavia and other places, the Tribunal has relied upon wire service news feeds from Agence France-Presse and the Associated Press.

Official hospitality

74. In view of the increased level of activity of the Tribunal, $4,000 is requested for official functions and hospitality in connection with visits of high-level officials of Governments, international bodies and United Nations organizations for discussions on matters of mutual cooperation and planning future operations.

General operating expenses

75. Estimated expenditure of $6,457,800 under this heading includes the following:

(a) Rental of premises ($2,882,100)

(i) International Tribunal - headquarters building ($1,878,300). Commencing 1997, the Tribunal assumed responsibility for the entire building, approximately 19,529 square metres of office and courtroom space (net) as well as an underground parking facility that can accommodate 335 vehicles. The total rent of this facility for 1998 amounts to f. 3,794,100 ($1,878,300) and will be reduced by an estimated rental income from its subtenants ($220,500) and accumulated discounts in the headquarters lease ($168,000);

(ii) Repayment of construction costs ($344,800). The lease also provides for the repayment of construction costs paid by the landlord on behalf of the Tribunal for the construction of the first courtroom and for the installation of interior partitions. This construction was undertaken and completed in 1995. In 1998 these payments amount to f. 638,314 ($316,000) and f. 58,125 ($28,800), respectively;

(iii) Detention Facility ($416,000). Additional resources must also be provided for the lease costs of the Detention Facility. The annual rent of the 24-cell facility amounts to f. 512,000 ($253,400). The facility also provides for meals and services for detainees at a rate of f. 50 per day for each detainee. For 1998, it is assumed that the facility will be occupied on average by 18 detainees and total costs of meals are therefore estimated at f. 328,500 ($162,600);

(iv) Field offices ($243,000). The International Tribunal has three field offices, located in Zagreb, Sarajevo and Belgrade. Following lease renegotiations in 1997, the rental of the Sarajevo premises will amount to $118,100 in 1998, including 420 square metres of office space and associated costs. This represents an increase of 27.2 per cent above 1997 costs and is in line with general property price inflation in the city. The Tribunal is continuing to seek accommodation in premises with other United Nations agencies in order to reduce the rent payable. The premises initially occupied in Zagreb and Belgrade were provided free of rental charges as they were occupied jointly with peacekeeping operations. However, provision of $62,450 for each of these two offices is now requested for commercial accommodation as the Tribunal is now required to leave the accommodation in view of the scheduled closure of the peacekeeping operations;

(b) Cleaning of premises ($274,700). The Tribunal is responsible for providing cleaning services for a total of 14,315 square metres of space in the headquarters building, with its major subtenant, the Organization for the Prevention of Chemical Weapons, being responsible for its own cleaning, plus 1,000 square metres at the Detention Facility. Cleaning costs for the headquarters building and the Detention Unit are estimated at f. 504,300 ($249,700) and f. 15,700 ($7,800), respectively. Specialist cleaning is required for the decontamination facility situated at the headquarters building and is expected to cost f. 19,400 ($9,600). A provision of $3,800 each is also requested for cleaning costs for the offices in Belgrade and Zagreb;

(c) Utilities ($358,100). Provision of $350,500 would cover costs of electricity, gas, water and heating for the Tribunal in The Hague. This will be reduced by a contribution of $37,500 from the Organization for the Prevention of Chemical Weapons, which represents 25.7 per cent of the cost for five months. Provisions of $3,800 each for utilities are requested for commercial offices in Belgrade and Zagreb. Utilities for the Sarajevo office are included in the lease costs;

(d) Services for maintenance of premises ($262,400). Requirements would cover building maintenance services estimated at f. 530,000. No service contracts are to be entered into for the offices in Sarajevo, Zagreb or Belgrade;

(e) Supplies for maintenance of premises ($44,100). In 1998, the Tribunal will continue to be responsible for the daily operations and maintenance of all building systems, including heating and air conditioning, electrical services, plumbing and security. For this purpose, several systems contracts are in place. Accordingly, a quantity of specialized tools, electrical supplies, building maintenance supplies and spare parts will be required;

(f) Rental of office equipment ($372,400). The Tribunal is currently producing approximately 690,000 copies per month on one high-volume, two network and seven general office copiers. Three additional lower-capacity copiers will be in place in the third quarter of 1997. It is anticipated that copy requirements will reach 830,000 per month in 1998 at f. 0.075c per print, for a

total cost of f. 747,000 ($369,800). Other miscellaneous provisions of $2,600 are also estimated to be required in 1998;

(g) Rental of vehicles ($6,900). The Tribunal occasionally needs to rent vehicles to supplement its fleet for exceptional needs such as special security where the Tribunal's own vehicles might be recognized. Provision is requested for up to 90 days' vehicle rental at $80 per day;

(h) Commercial communications ($885,400). Provision is requested for communications usage and maintenance costs, which include long-distance charges for the Tribunal and its field offices ($608,000), INMARSAT usage charges for seven terminals ($32,800), telephone number block rental for 1,000 numbers ($9,700), monthly line costs ($14,500), cellular subscription costs ($25,200), cellular service costs ($27,800), integrated services digital network (ISDN) trunk rental ($42,300), rental for 57 pagers ($3,900) and fees for the use of the IntelSat ($46,100), leased lines ($68,200), radio licence operation fees ($4,000) and radio antenna fees for the Sarajevo field office ($2,900);

(i) Maintenance of communications equipment ($85,700). Maintenance costs for communications equipment include service contracts for the private branch exchange (PBX) in The Hague for three months only in 1998 ($9,100), in the Sarajevo field office PBX ($1,700) and the general communications equipment time and materials service contracts ($57,600). In addition to the above service contracts, the Communications Unit has included provisions in the budget to set up a communications workshop, which will attempt to repair all malfunctioning items using spare parts that will be kept on hand. This should reduce costs and increase the communications reliability in all areas. A provision of $17,300 is requested for spare parts. This comprises $1,900 of spares to be held in each field office and $13,400 in The Hague;

(j) Communications supplies ($32,500). Provision is requested to cover the purchase of such items as toner cartridges for fax machines and batteries for pagers;

(k) Postage ($59,800). Provision is requested for national mail services, including supplies for the franking machine ($58,900). In addition, the Victims and Witnesses Unit provides prepaid postage to witnesses to post materials and information to the Tribunal. A provision of f. 2,000 is requested for this purpose ($900);

(l) Pouch ($11,800). The Tribunal continues to use services provided by the International Court of Justice for the dispatch and receipt of documents between United Nations Headquarters and Geneva. Owing to the sensitive nature of certain documents located in the former Yugoslavia and required by the Tribunal, a pouch service has been implemented between the Tribunal headquarters and its field offices in the former Yugoslavia. One shipment is made every second week to the Zagreb, Belgrade and Sarajevo field offices, costing on average f. 150 per shipment, totalling f. 11,700 per annum ($5,800). In addition to the above pouch shipments, the Tribunal uses commercial courier services for the delivery of arrest warrants, procurement documents and other special dispatches where certified receipt is required. The Tribunal has a

strict policy of minimizing and controlling the use of courier services and the annual cost is expected to be $6,000;

(m) Maintenance of office equipment ($9,600). Provision is requested for the repair of general office furniture and equipment;

(n) Maintenance of vehicles ($139,200). The International Tribunal currently owns and operates five vehicles at its headquarters and 32 vehicles in the region of the former Yugoslavia. Provision for the repair and maintenance of these vehicles is based on the standard formula used by the Field Administration and Logistic Division of the Department of Peacekeeping Operations for estimating vehicle maintenance costs, which amounts to $300 per month for each of 32 light vehicles ($115,200) and $500 per month for each of 4 heavy vehicles ($24,000) currently used;

(o) Maintenance of data-processing equipment ($248,900). A sizeable portion of the Tribunal's computer equipment has been in place for nearly four years. In many cases, it is desirable to purchase new replacement parts to obviate the need for support staff to spend unnecessary hours repairing component-level equipment. Many parts have proven to be more cost-effective to buy rather than to repair. The estimated cost for spare parts is $28,300. An amount of $196,900 is requested to cover contractual maintenance of electronic data-processing equipment, including renewal of the maintenance contracts for the electronic document management system of the Office of the Prosecutor ($161,400), servers ($14,400), scanners ($2,900) and other equipment ($18,300). In order to back-stop the in-house support capabilities, a provision of $23,700 is requested, especially as it concerns office automation software ($14,400) and application development in Lotus Notes ($9,300);

(p) Maintenance of audio-visual equipment ($42,200). Provision is made under this heading to cover the cost of an annual systems contract for the necessary maintenance, repair and replacement of broken audio-visual equipment, including equipment installed in the existing courtroom;

(q) Maintenance of miscellaneous equipment ($42,500). Provision is requested for annual maintenance contracts for security and safety equipment;

(r) Freight and cartage ($9,600). Provision is requested for freight and cartage costs of supplies to be purchased during the year ($9,600);

(s) Insurance ($52,900). At present, the Tribunal carries third-party insurance in the amount of $5 million coverage, office contents and computer equipment insurance in the amount of $1 million and $5 million of value, respectively. Under existing rates and taking into account the anticipated increase in office contents and other equipment, the estimated cost of insurance during 1998 would approximate $27,800 distributed between The Hague ($20,200) and the three field offices ($7,600). Provision of $6,200 is also required for health, travel and legal liability insurance for 340 witnesses. The vehicles owned and operated by the Tribunal in the former Yugoslavia are registered with the Department of Peacekeeping Operations and are covered by the United Nations worldwide third-party insurance programme. Renewal of the policy will cost $18,900 in 1998;

(t) Bank charges ($48,000). Provision is requested to cover bank charges in 1998;

(u) Medical services for detainees and witnesses ($115,300). Provision is requested to cover medical care ($67,400) and psychiatric care ($43,200) for an average of 18 indigent detainees, including specialist care, dental care and optical services. An additional provision is requested for medical and psychiatric examinations ($4,700) ordered by the Court. The medical services provided to indigent detainees are over and above the basic level of health care that would be provided by the penitentiary infirmary and are in accordance with rule 30 of the Rules of Detention of the Tribunal;

(v) Miscellaneous claims and adjustments ($118,500). Provision is requested under this heading for claims for loss of earnings for witnesses ($37,700), for personal allowances due to indigent detainees ($16,200) and for relocation costs for witnesses and their families ($64,600). The Tribunal is required to indemnify qualifying witnesses for loss of earnings during the period they are attending the Tribunal. Strict criteria are placed on the eligibility of witnesses for these losses, which only apply to witnesses themselves and not to dependents or accompanying persons. As a result of these criteria, only 50 per cent of witnesses become eligible for reimbursement for lost earnings. The Tribunal is also responsible for the protection of witnesses, including relocation of the witness and their family, if necessary. This responsibility is based on article 22 of the Statute and rule 34 of the Rules of Evidence and Procedure. The Victims and Witnesses Unit, in conjunction with the office of the Registrar, has negotiated with foreign Governments on the matter of relocation of essential witnesses who are in need of elements of protection. States who have developed agreements with the Tribunal will accept such witnesses within their existing refugee programmes with necessary amendment and will result in no cost to the Tribunal;

(w) Cleaning of clothing and uniforms ($81,400). Provision is requested for the cleaning of uniforms for security and detention officers, detainees' clothing, Judges' robes and drivers' uniforms;

(x) Other miscellaneous services ($67,200). A provision of $19,200 is requested for miscellaneous services not covered above, photocopying services provided by other United Nations organizations to the Tribunal's field offices and other miscellaneous expenditures for services. In 1997 two scale models of crime scenes were used in the courtroom, which were donated by Governments. It is anticipated that in 1998 one similar model will be required for each of the cases to be tried, but that no donors will be available to assist. A provision of $48,000 is requested for five scale models of crime scenes, at $9,600 per model. These displays reduce witness time, resulting in savings for the Tribunal that outweigh the cost of the models;

(y) Minor alterations to premises ($206,600). The Tribunal proposes to undertake a number of projects during the course of 1998 in order to ensure the accommodation available is used most efficiently and to provide secure facilities for detainees. The estimated costs includes provision for exterior security lighting ($9,600), an exterior walkway for security patrols ($5,800), modifications to three detainee holding cells ($19,200), construction of an

exterior security booth at the rear entrance of the Tribunal ($14,400), installation of 50 back-lit "EXIT" signs ($6,600), installation of separation walls for archiving vaults ($43,200), installations for new server locations ($57,600) and construction of the decontamination facility postponed from 1997 ($50,200). In the 1997 budget for the Tribunal funds authorized the construction of a decontamination room in which to receive and store material requiring special treatment and handling. Unfortunately, the number of projects that could be completed by the Tribunal was limited by the lack of experienced staff. The project will be postponed for implementation in 1998, with a surrender of $50,100 in related 1997 funds.

Major construction to premises

76. Provision of $2,950,600 is requested for the construction of the second permanent courtroom. It is anticipated that primary and appellate cases will be conducted simultaneously, necessitating a second court facility. Further, with the current number of cases pending before the Tribunal, the availability of only one courtroom is seriously hampering the operations of the three Chambers. With the current situation, one Trial Chamber must adjourn in order to allow the second or the appellate chamber access to the courtroom facilities. A survey conducted in 1995 by the Tribunal determined that existing courtroom space in the vicinity of the Tribunal was not available. The work to be completed includes installation of an elevator to the second floor ($49,500), construction of the courtroom ($1,965,500), construction of a stairwell to the second floor ($198,000), adjustment of the security system ($396,100), construction of a holding cell on the second floor of the Tribunal building ($17,300), construction of an extra cell block in the basement ($74,200), construction of two circle-lock doors ($59,400), relocation and reconstruction of the cafeteria ($190,600).

Supplies and materials

77. Provision of $961,500 under this heading consists of office supplies ($118,400), data-processing supplies ($151,700), photocopy paper and supplies ($93,900), subscriptions to legal journals ($29,800), audio-visual supplies ($318,200), uniforms ($50,300), petrol, oil and lubricants ($153,500), provision to supplement meals of detainees ($19,500), purchase of miscellaneous sports equipment and recreation supplies ($4,800) and other miscellaneous supplies ($21,400).

Acquisition of equipment

78. Proposed expenditure of $3,638,200 under this heading consists of:

(a) Acquisition of furniture and fixtures ($55,100). Additional funds for furniture and fixtures is requested for shelving in the Tribunal vaults ($23,300), sanitation equipment ($20,700), paper recycling bins ($6,200) and furniture in witness waiting rooms ($4,800). The document vaults in the Tribunal headquarters provide an excellent area for the storage of archived documents and materials. In order to use those facilities more efficiently, partitioning of the vaults will be required. Shelving systems and additional entry access points need to be added to make the space functional. Also, the

Tribunal currently outsources the provision of sanitation equipment and services. A market survey demonstrated that the purchase of sanitation equipment to be used by the Tribunal's contractor would be more cost effective than continuing the current sanitation services contract. Furthermore, a paper recycling programme is scheduled to be implemented at the Tribunal in 1998. In order to ensure an efficient programme, special bins for purposes of separating paper waste from other waste are necessary. Lastly, in association with the provisional courtroom, two additional witness waiting rooms will be required. Furnishings for those rooms would have to be provided;

(b) Acquisition of office equipment ($12,900). Provision of f. 26,000 is requested for four additional shredders. The current shredders are insufficient to handle the volume of confidential documents that need to be shredded;

(c) Acquisition of electronic data-processing equipment ($1,282,200). Provision is requested for data-processing equipment to include additional workstations ($376,500) and printers ($23,600) for new personnel, replacement of older machines ($306,600), workstations and network equipment for the computer training room ($36,500), upgrade of existing machines to minimum specifications ($93,900), increasing strategic reserves ($12,500), additional laptops for investigations usage ($24,000), new and upgraded servers ($231,000), network equipment for expanding the Tribunal's networks ($117,200), advanced graphics workshops for investigations and prosecutions ($25,900), CD-ROM writers ($2,900), external backup units ($4,800) and solid-state disk storage ($26,800);

(d) Acquisition of software packages ($437,200). The Programming Unit will continue to use software tools that were procured in 1997. Microsoft Access 97 will continue to be the main front-end development tool to be used for creating database applications. Microsoft SQL server will continue to be used as the standard database engine. However, there would be a need to secure additional software packages and licences for use with the other planned applications for 1998 as follows: 20 additional Microsoft SQL server licences to provide concurrent access capability to new database application users in the Registry ($3,400); 211 Lotus Notes desktop client software licences for the Tribunal's intranet project ($36,500); a new platform licence for SunAccounts and the Windows NT Progen development engine and runtime support will be required for the migration of the SunAccounts and Progen payroll to the Windows NT platform ($18,700); purchase of 199 NT 4.0 licences along with the upgrade of 199 copies of the Office Automation software and 4 licences of Windows NT server in support of the move to Microsoft Windows NT operating system ($97,000); Computer Operations Support Unit software ($58,000), which includes an auditing software, a mail server software for Office of the Prosecutor, 199 Windows NT network client access licences and 450 Windows NT SMS client licences; Office of the Prosecutor operations software requirements ($14,200), consisting of 4 licences for the statistical software, a licence of CorelDraw 7 for trial support, 6 licences for Visual Basic for use in applications development and an Intranet package to support greater integration of the data; Office of the Prosecutor database software ($201,800) to accommodate the planned move from Microsoft Access and the purchase of a new relational database and a text retrieval system; and a provision for unforeseen miscellaneous software purchases is requested to provide flexibility in responding to ad hoc requests and emergency purchases ($7,600);

(e) Acquisition of vehicles ($22,300). Currently, the Tribunal has 5 vehicles in The Hague and 31 vehicles in the former Yugoslavia, 4 of which are heavy vehicles not suitable for the transportation of staff members. Considering the projected increase in courtroom activity and related witness testimony, there would be a need to provide the Victims and Witnesses Unit with an additional vehicle. The Unit anticipates that 340 witnesses will be required in The Hague for 8 days each to appear in the courts over 240 and 159 court/days for the first and interim courtrooms, respectively, in 1998. This would average to 16 witnesses per day for pre-court vetting and trial appearances and two witnesses per day each way to the airport and return. Security factors necessitate the separation of witnesses in order to avoid the contamination of testimony, so group transportation of witnesses would not be feasible. An additional vehicle is therefore required for the task;

(f) Acquisition of communications equipment ($278,800). Requirements would include radios for additional security officers and technical personnel in The Hague ($17,800), VHF radios for Tribunal vehicles in the field along with base stations and so on ($39,800), CODAN base stations, antennae and radios ($60,100), paging equipment ($7,000), cellular telephones ($4,800), secure and non-secure fax machines ($25,000), additional secure telephones ($40,300), portable photocopiers ($17,300), line tap detection equipment ($4,300), multiplexers for VSAT links ($23,000) and workshop equipment ($39,400);

(g) Acquisition of audio-visual equipment ($1,438,400). A total of $1,201,700 is requested to outfit a second permanent courtroom as follows: cameras for video recordings and presentation and reproduction of evidence materials ($279,600); monitoring equipment for the second courtroom control room ($170,800); video delay equipment, amplifiers, video signal converters, distribution systems, patch panels, recording systems and computer distribution system ($413,900); remote control system to provide a central control system for the selection, positioning and initialization of the courtroom camera emplacements costs (estimated at $25,400); television monitors for placement outside the courtroom, allowing both internal and external parties to view the courtroom proceedings from within the premises ($32,000); evidence display systems that make it possible for evidence submitted in court to be displayed on the screens built into the desks of the courtroom participants ($23,300); audio distribution and multi-language interpretation systems, including a simultaneous interpretation system capable of generating and distributing multiple interpretation channels to every court participant, audience member and the external press ($204,300); court reporter support equipment and software to support the activities of both English and French real-time court reporters ($36,800); and press feed equipment to provide the video and audio coverage of the proceedings and route the signals from the courtroom to internal and external press connection points ($15,600). Additional equipment is also requested for audio-visual recording and display equipment for field video recordings ($54,600), presentations and conferences ($25,900), video copying ($10,900) and upgrading the first courtroom ($145,300);

(h) Acquisition of security and safety equipment ($107,800). Estimated requirements would provide for the following: replacement of expired medical supplies ($1,900); five cipher locks for high security areas of the Tribunal headquarters ($2,100); four proximity card readers for two evidence rooms

separate from the existing security system ($11,900); extension of the security access system and close-circuit security monitoring system to all garage entrances and exits, including four proximity card readers, six cameras and one control module with VCR and split monitor along with cabling and installation ($15,400); extension of weapons safe required for the secure storage of 10 weapons ($800); additional personnel lockers for 10 new officers ($2,100); 10 additional weapons and ammunition for Security Officers ($10,800); and security and safety equipment required for the second courtroom ($62,800). The last item would include one X-ray scanner ($51,100), one walk-through metal detector ($8,000), and fire and smoke escape equipment for the new cell areas ($3,700);

(i) Acquisition of miscellaneous equipment ($3,500). In September 1997, the Tribunal opened up its cafeteria, which had been closed for eight months. Following a full inventory of cafeteria stock items, it has been determined that the current quantity of china and cutlery on hand is insufficient to support the number of future staff and visitors of the Tribunal. The estimate includes provision to purchase additional stock as well as to cover a 10 per cent loss due to breakage.

Staff assessment

79. Staff assessment costs are estimated at $3,044,900.

Income

80. Rental income, including reimbursement for utilities ($270,500). The Tribunal currently has four subtenants within the headquarters building as follows:

(a) The Organization for the Prevention of Chemical Weapons will continue to lease 5,214 sq. m. (net) through 31 May 1998 and will pay f. 434,994 ($215,300) plus reimburse the Tribunal for services and utilities in the amount of $37,400 in 1998;

(b) Two news-gathering organizations are expected to lease small (10 sq. m.) offices for the full year at $2,600 each, for a total of $5,200;

(c) ICRC will lease 166 sq. m. of space until June 1998 for $12,600.

81. Accumulated discounts in the headquarters lease ($168,000). Under article 4.7.2 of the lease agreement, a lump sum representing 4 per cent of total rent paid in the first four years is repayable on the fourth anniversary of the commencement of the lease. This would amount to f. 339,240 ($168,000) and would be deducted from the 1998 estimates.

## IV. CONCLUSION

82. On the basis of the proposals detailed in the preceding paragraphs, it is estimated that resources in the amount of $64,216,200 (net) will be required for the operation of the International Tribunal for the Former Yugoslavia in 1998.

An additional amount of $6,440,000 would be required for staff assessment, to be offset by income from staff assessment of the same amount.

83. In paragraph 27 of its resolution 49/242 B of 20 July 1995, the General Assembly decided to review the mode of financing of the International Tribunals at its fifty-second session. The Secretary-General believes that experience has demonstrated the particular mechanism designed in 1995 has served the United Nations well as a method of apportioning the burden of financing. However, the unencumbered balances of the United Nations Protection Forces (UNPF) account have now been depleted. Under the circumstances, future appropriations will normally need to be assessed on a current basis without recourse to resources previously appropriated for other purposes. If the Assembly wishes to continue with the current balance of burden sharing in respect of the cost of the Tribunals, this could be achieved by applying the scale of assessments applicable to the regular budget to 50 per cent of the total amounts assessable and providing for the other 50 per cent to be financed by application of the scale applicable for financing peacekeeping operations. This sharing formula would be applied after first taking into account the cumulative surplus fund balance of $5.6 million as at 31 December 1995 and the anticipated availability of an unencumbered balance of $10 million for 1997, as described in annex VI to the present report.

84. It may be noted that these budget proposals on a full cost basis (i.e. using 5 per cent and 2.5 per cent vacancy factors) would require an additional provision of $7,539,700 gross ($6,264,000 net) in the next financial year. On that basis, a full-cost budget for the Tribunal, using the proposed 1998 staffing table, would amount to $78,634,400 gross ($70,480,200 net).

## Annex I

## Voluntary contributions

1. The General Assembly, in its resolution 49/242 B of 20 July 1995, invited Member States and other interested parties to make voluntary contributions to the Tribunal that are acceptable to the Secretary-General. To date, cash donations totalling $9,725,618 have been received along with pledges of a further $1,720,575 and in-kind contributions totalling $3,253,900, excluding the cost of staff and experts on loan from Governments and international organizations and institutions.

2. Under a series of agreements with the International Tribunal, donors provide gratis personnel to the Tribunal on a non-reimbursable basis. Under the terms of those agreements, the donor undertakes to pay all expenses in connection with the assignment to the Tribunal of the loaned personnel, including salaries, medical and life insurance coverage, as well as insurance for service-related illness, disability or death, with extended war-risk insurance coverage and round-trip travel from their respective countries. The donor is also responsible for any claim brought by third parties for damages, injury or death as a result of any act or omission by the personnel on loan during the performance of duties on behalf of the United Nations.

3. The United Nations is not responsible for any expenses in relation to the loan of personnel by the donor, with the exception of the provision of office space, furniture and equipment and other facilities necessary for the performance of the services required, including the cost of any travel and other related expenditures incurred on official business for the United Nations. As at 31 August 1997, there were 52 gratis personnel assigned to the Tribunal, comprising 11 legal assistants supporting the Chambers, 28 personnel under varying capacities of prosecutors, investigators and legal advisers assigned to the Office of the Prosecutor, and 11 legal assistants, one Court Deputy and one Detention Guard assigned to the Registry, all of whom require support.

4. The gratis personnel programme is expected to be phased out in 1998 and the positions held by the 52 staff would need to be replaced as the responsibilities they currently perform have been identified as essential to the core function of the Tribunal. It is therefore proposed to convert the positions to assessed temporary posts. For budgetary purposes, it is assumed that all gratis personnel agreements will lapse during 1998 and the estimated value of the personnel to the Tribunal would be calculated on that basis. In 1998 it is estimated that the income to the Tribunal from the donation of services of these staff will amount to $2,418,600 gross ($2,032,000 net) on the basis of United Nations standard costs. The associated costs of supporting the seconded personnel for 1998 would amount to $314,400, based on 13 per cent of the gross income received from the donated personnel. Under existing policy, acceptance of voluntary contributions is conditional on the understanding that the contribution does not result in any financial liability for the United Nations. Consequently, indirect costs to the United Nations of accepting contributions, including seconded personnel, must be met by a charge of programme support costs on the contribution of each donor Government or organization.

5. In addition to the seconded personnel, as at 31 August 1997, 18 interns are following the Tribunal's internship programme. Currently, the interns are all assigned to the Office of the Prosecutor and provide research and drafting assistance in matters relating to criminal law, international humanitarian law and human rights.

6. The status of voluntary contributions to support the activities of the International Tribunal, as at 31 August 1997, is detailed below:

A. Cash contributions to the voluntary fund as at 31 August

(United States dollars)

| | |
|---|---|
| Austria | 100 000 |
| Cambodia | 5 000 |
| Canada | 706 298 |
| Chile | 5 000 |
| Cyprus | 2 000 |
| Denmark | 183 368 |
| Hungary | 2 000 |
| Ireland | 121 768 |
| Israel | 7 500 |
| Italy | 1 898 049 |
| Liechtenstein | 4 985 |
| Malaysia | 2 250 000 |
| Malta | 1 500 |
| Namibia | 500 |
| Netherlands | 1 628 513 |
| New Zealand | 14 660 |
| Norway | 50 000 |
| Pakistan | 1 000 000 |
| Portugal | 10 000 |
| Saudi Arabia | 300 000 |
| Slovenia | 10 000 |
| Spain | 13 725 |
| Sweden | 31 734 |
| Switzerland | 193 924 |
| United Kingdom of Great Britain and Northern Ireland | 485 094 |
| United States of America | 700 000 |
| Total | 9 725 618 |

/...

B. Cash pledges to the voluntary fund as at 31 August

(United States dollars)

| | |
|---|---|
| Netherlands | 639 175 |
| Norway | 137 000 |
| United States of America | 450 000 |
| European Union | 261 400 |
| Luxembourg | 100 000 |
| Sweden | 133 000 |
| Total | 1 720 575 |

7. Of the pledges, $1,483,575 is earmarked as follows: (a) the contribution pledged by the Netherlands for the completion of the document backlog coding project in 1998; (b) the pledge from the United States and Sweden for the exhumation of mass graves project; and (c) from the European Union for the expansion of the Tribunal's library.

Personnel

8. As at 31 August 1997, contributions in the form of the loan of 30 personnel have been received from Belgium (1), Denmark (3), Finland (1), Italy (4), the Netherlands (4), Norway (1) Sweden (2), Switzerland (2), the United Kingdom (4), the United States of America (6), from the European Action Council for Peace in the Balkans (1) and the Open Society Institute (1). Of these staff 28 assist the Office of the Prosecutor with investigations and act as legal and expert advisers. At this time, 6 experts are assigned to the Prosecutions Section, two as Trial Co-Counsel and four as Legal Advisers, 21 experts are assigned to the Investigations Section, one Forensics Crime Scene Examiner in the Forensics Unit, a Senior Research Officer in the Leadership Research Team and 19 investigators distributed over the nine investigative teams. One Video Analyst is assigned to the Information and Evidence Section. Two further personnel work for the Registry and there is one Detention Guard and one Court Deputy.

9. In addition, the European Commission, through the International Commission of Jurists, has provided 22 seconded personnel who serve as legal assistants to the International Tribunal. The secondees provide legal support to the judicial and administrative operations of the Tribunal as well as provide a learning environment for young qualified lawyers. Eleven assistants are assigned to the Chambers for the purpose of legal research and assistance, 10 to the Registry to assist with judicial management and one to the Press and Information Office. The current agreement between the International Tribunal and the International Commission of Jurists expires on 31 July 1998 and, in line with related proposals of the Secretary-General, it is anticipated that the agreement will not be renewed.

Equipment

10. During 1997, a number of Member States, organizations and companies made additional contributions of equipment to the International Tribunal valued at $235,000.

11. The Government of Switzerland loaned five 4x4 vehicles to the International Tribunal to be used for operational requirements in the field such as investigations (approximate value of the loan in 1997, $10,000). The vehicles were delivered to Sarajevo and are being used for investigations transport and also for transport for personnel involved in the forensic exhumations programme.

12. The Coalition for International Justice donated services in kind to a value of $108,000. This assistance took the form of the services of attorneys, employed by the Coalition, who assessed the strength of prosecution cases based upon papers submitted by the Governments of Croatia and Bosnia and Herzegovina, which have potential war crimes cases pending in their local and/or national courts. Other contributions include the provision of computer equipment and evidence decontamination equipment ($17,000) and subscription to Lexis-Nexis donated by the Open Society Institute ($100,000).

13. Contributions in kind amounting to $3,018,900 were received during 1994-1995 ($2,486,700) and 1996 ($532,200).

Use of voluntary contributions

14. From the commencement of the operations of the International Tribunal, reliance has been placed on the assistance of a number of gratis personnel provided by individual Member States to assist in the performance of the Prosecutor's mandate under the Statute of the Tribunal. The assistance provided to the Tribunal by the experienced seconded investigators and lawyers, in conducting investigations and the preparation of briefs of evidence, has been critical. The results already achieved by the Tribunal would not have been possible without that assistance.

15. In 1997, the Tribunal continued the programme of forensic exhumations started in 1996. Two major sites in Bosnia and Herzegovina were investigated in 1997, at Kratine in central Bosnia and at Brčko near the border with Croatia. Exhumation of several other sites was planned, but civil unrest near the planned sites led to the early withdrawal of personnel and equipment. During the remainder of 1997, the focus of forensic operations will move to a mortuary where detailed examination of the exhumed bodies will take place. Resource requirements for the operations, excluding staff costs, were met in full from voluntary contributions. A further major programme of exhumations is proposed in 1998 for which voluntary contributions are currently being sought.

16. Victim and witness assistance is another component of the Tribunal's operations that has been supported by voluntary donations. During 1996 and 1997, witness support costs, including witness assistants and local transportation, were provided from contributions from the European Union through the International Rehabilitation Council for Torture Victims. In 1998, however, it does not appear possible for these funding methods to continue. Provision

for these costs is provided from assessed contributions elsewhere in the present report.

17. With regard to witness protection, the Tribunal has entered into numerous discussions with a number of Member States regarding their willingness to assist with funding and relocation of protected witnesses. While witness protection has been minimal during the first years of the Tribunal's existence, with the onset of trial activity in 1996 and 1997 and the extension of the courtroom facilities in the Tribunal, it is estimated that witness protection will feature more prominently in the future. In view of the need for the provision of such services and the heavy expenditures that accompany them, resources must be provided to ensure that witness protection is never compromised. Accordingly, the support of Member States is requested to defray the potential costs associated with the provision of such services.

18. The document backlog coding project, which is funded by a donation of f. 3,340,000 from the Government of the Netherlands was initiated to index the backlog of approximately 230,000 pages of documents that had built up in the Office of the Prosecutor. In addition, approximately 170,000 pages of documents already indexed must be re-entered because of inadequate indexing. Fifty per cent of the documents are in Bosnian/Croatian/Serbian and 50 per cent in English and/or French. The funding from the host Government, provided in three tranches (f. 400,000 in December 1996, f. 1,700,000 in May 1997 and the final f. 1,240,000 in January 1998) will support the project through mid-1998, when it is expected to be completed.

19. The Tribunal completed the construction of its initial courtroom facility in 1995. The courtroom was put into operation immediately and is currently used on a full-time basis to conduct trials, hearings, hear/rule on motions and other court-related matters. Owing to an increasing caseload, the Tribunal is presently conducting two trials in this courtroom on an alternating two weeks on, two weeks off basis. This is in addition to using the facility for the activities related to other cases.

20. Recent events have accelerated the need for a second courtroom facility. Additional accused have been brought into custody. The first full trial and sentencing was just completed and it is anticipated that appeals will be presented by both defence and prosecution. Currently, there is no additional facility available to the Tribunal either on or off its premises suitable to serve as a second courtroom. In its budget submission for 1997, the Tribunal deferred its request for the construction of a second permanent courtroom. However, funds were requested and approved for the planning, design specification and cost determination of the courtroom. It is anticipated that the planning and design work will begin late in 1997. The request for the construction funds of a second permanent courtroom has been submitted in this report. However, even on an optimistic estimate, a complete courtroom facility would not be completed until late 1998.

21. Consequently, in response to the urgent need for a provisional facility to be completed by early 1998, a site within the Tribunal headquarters building was identified. Outline specifications were prepared and preliminary cost estimates

made for construction and equipment. The interim facility will be funded from voluntary contributions from the United Kingdom.

22. The site selected is a 2,700 square-foot vault located on the first floor adjacent to the Chambers and close to the first courtroom facility. The selection was based on size, access, security and proximity to the Trial Chambers. The choice of the site would allow construction to take place on the second courtroom without interruption of proceedings in the first and the provisional courtrooms. It is intended to retain the provisional courtroom after completion of the second permanent courtroom for use in hearings, conferences and other court- and Chambers-related activities not requiring a full facility.

23. The plan for the provisional courtroom will not include a visitors' gallery. Proceedings will be broadcast to the visitors' lobby via closed-circuit television and will be provided to television news services. The facility will have the capacity for simultaneous interpretation in three languages, electronic court reporting, audio and video recording of proceedings and video delay.

24. The Tribunal identified the need for the installation of a new telephone central exchange in 1995 (PBX). This requirement arose out of the expected expansion of the Tribunal as well as the stated intention of the landlord to remove the existing PBX. Funding for the initial purchase, installation and training was provided from voluntary contributions from the Government of the Netherlands.

## Annex II

## BUDGETARY ASSUMPTIONS

25. The proposals contained in this report are premised on the assumption that the budget for the Tribunal is prepared on an annual basis and forecasts of resources required to implement the activities of the Tribunal during a given period are provided by object of expenditure. In compliance with the Advisory Committee's recommendation (A/51/7/Add.7, para. 8) and commencing with the proposals for 1998, the budget will attempt to indicate distinctively and adequately the planned outputs and activities of the Tribunal, to be supported by workload statistics, where applicable. The budget presentation, although generally following the format of the common presentation structure of the United Nations regular budget, has been modified to reflect the organizational structure of the Tribunal.

26. The budget estimates take into account real resource increases for staff and non-staff resources. Considering that the Tribunal budgets are prepared annually as compared with the regular biennial budget, costs include inflationary provisions experienced to date and are expressed at the United Nations operational rate of exchange of $1: f. 2.02. The post adjustment multiplier for The Hague in 1998 has been projected at 128.1.

27. The overall budgetary estimates of expenditure for the assessed budget are prepared on the basis of gross salary scales. However, the individual submissions by main organizational units of the budget reflect net salary scales (i.e. gross salary less the applicable staff assessment), a procedure that would allow budgetary comparability with other organizations of the United Nations system. In order to reflect gross expenditure levels, the difference between gross and net emoluments, staff assessment, is shown as a separate item in all expenditure tables. The offsetting amount is shown under the income section of the budget.

28. With regard to the vacancy rates for 1998, 5 per cent and 2.5 per cent are proposed for continuing temporary posts in the Professional category and above and at the General Service level, respectively, while a rate of 50 per cent for Professionals and 35 per cent for General Service is proposed for new posts. In the case of posts converted to accommodate gratis personnel, a provision of just 25 per cent of full annual costs has been made to reflect the intention to phase out gratis arrangements and recruit staff during the course of 1998. Further, and in accordance with General Assembly resolution 51/214 B, the budgetary estimates would include information on the estimated annual cost of new temporary posts.

29. In its resolution 50/212 C of 7 June 1996, the General Assembly requested the Secretary-General to report fully on both the receipt and application of extrabudgetary funds when preparing future budget proposals so as to ensure transparency in the use and purpose of such funds. The format of the present document, detailing extrabudgetary expenditures for the years 1996 and 1997 and related 1998 estimates by programme together with information on seconded personnel and cash contributions, seeks to satisfy that requirement.

Annex III. Response to the recommendations of the Advisory Committee on Administrative and Budgetary Questions (A/51/7/Add.7)

| Paragraph in A/51/7/Add.1 | Recommendation of the Advisory Committee on Administrative and Budgetary Questions | Reply/comment of the Secretariat |
|---|---|---|
| 7-10 | General | |
| 7 | 1. The Committee recommended that all personnel and administrative support cost requirements of each organization unit of the International Tribunal be fully budgeted regardless of whether they will ultimately be financed from assessed contributions or from voluntary contributions in kind or in personnel (A/50/925, paras. 9-11). | Addressed. |
| 7 | 2. There is a lack of justification for and analysis of the estimates in the report. | Addressed. |
| 7 | 3. Requests for new posts and other resources should be fully justified and explained. | All requests and justifications for posts are included in annex IV to the present report. |
| 8 | 4. The format of the document should be improved to enhance clarity and transparency but without necessarily increasing its length:<br><br>(a) Description of activities and resource requirements of the Registry could be explained more clearly;<br><br>(b) Workload statistics of various units should be presented in tabular form accompanied by a qualitative analysis in support of the requests. | The report endeavours to respond to all the recommendations of the Committee. Descriptions of activities and resource requirements are given in the main body of the report, while the workload statistics are contained in annex IV. |
| 9 | 5. The most up-to-date financial data should always be submitted for the financial period preceding that of the new budget proposal. | The estimated 1997 expenditure will be submitted to the Committee as supplementary information prior to its consideration of the report. |
| 10 | 6. Budget submission should include, under expenditure, the estimated costs of all personnel, including those funded from voluntary contributions in cash or in kind, as well as the related support costs. | Complied with in this report. |
| 10 | 7. Budget submissions should include an income section reflecting all revenue received, including rental income from the Organization for the Prevention of Chemical Weapons and programme support costs. | Complied with in this report. |

| Paragraph in A/51/7/Add.1 | Recommendation of the Advisory Committee on Administrative and Budgetary Questions | Reply/comment of the Secretariat |
|---|---|---|
| 11 | Extrabudgetary resources and income from programme support | |
| 11 | 1. The Secretary-General's report should disclose clearly the total resources available to the Tribunal from support costs charged to donors of voluntary contributions and related reimbursement rates, as well as the basis for calculating the support costs and the criteria and amount of support cost waived. | Addressed; basis for calculating estimated personnel support costs is 13% of standard salary costs of the assigned level of the gratis personnel for the period covered. |
| 11 | 2. The proposed utilization of income from programme support should be described by objective of expenditure and by organizational unit of the Tribunal. | In 1998, $368,500 will be utilized to fund 6 posts (1 P-2 and 5 GS (OL)) and $111,500 for general operating expenses in the Registry. |
| 15-17 | The Chambers | |
| 15 | 1. The Committee was informed that legal assistants (gratis personnel) carried out responsibilities necessary to the core function of the Chambers. | A description of the functions of legal assistants is included in the report. The Secretary-General has also proposed the conversion of all 22 gratis legal assistant positions to temporary posts at the P-2 level. |
| 16 | 2. Guidelines governing recourse to and use of expertise in the Chambers should be issued by the Tribunal. | Guidelines for the use of amici curiae will be submitted to the Committee as supplementary information prior to its consideration of the report. |
| 17 | 3. Conditions of service of Judges. | The Secretary-General will submit a report to the General Assembly for consideration at its fifty-second session. |
| 18-31 | Office of the Prosecutor | |
| 21 | 1. Policy and External Relations Section: a re-examination of the staffing and role of the Section is recommended. The Committee reiterates that resources made available to the Tribunal should be allocated to those areas identified as being of highest priority, investigations and prosecution. | As requested, the question has been re-examined and redeployed into the Immediate Office of the Prosecutor. A full description of this move is included in annex IV. |
| 25 | 2. A strategy team as a "reserve" for staff should be redeployed to investigations or to trials. The Committee expressed concern at the large number of posts remaining in the team. The Office of Internal Oversight Services recommendation is cited that personnel assigned to the team be kept to a minimum. | The function of the team has been analysed and broken down into several sub-units, as described in annex IV. |

| Paragraph in A/51/7/Add.1 | Recommendation of the Advisory Committee on Administrative and Budgetary Questions | Reply/comment of the Secretariat |
|---|---|---|
| 26 | 3. The proposal for additional P-2 investigators should be resubmitted in the context of the submission of the 1998 budget proposal. | A full justification for all posts in the Investigations Section is included in annex IV. |
| 26 | 4. Additional data-entry clerks. | These data-entry clerks have been consolidated into a dedicated unit within the Information and Evidence Section. A full description of their functions is included in annex IV. |
| 26 | 5. An update should be provided on the documentation backlog coding project. | An update on the document backlog is included in annex I. |
| 30 | 6. There should be a reconsideration of the assignment of staff as mission appointees to avoid paying mission subsistence allowance. | The Tribunal has been advised by the Office of Human Resources Management that this would not be advisable at this time. A copy of message from that Office will be provided to the Committee as supplementary information prior to its consideration of the report. |
| 30 | 7. The total cost of field offices should be identified clearly in the budget. | Information is included in annex IV. |
| 31 | Travel of investigators. | In 1998 the proposed structure allows for full resumption of investigative activity |
| 32-42 | The Registry | |
| 33 | 1. Detention Guards. | A detailed schedule of tasks of the Detention Unit Guards will be provided to the Committee prior to its consideration of the report. |
| 34 | 2. Travel of witnesses should be carefully coordinated with their scheduled court appearances so that excessive costs can be avoided. | With only one courtroom available, the two weeks on/two weeks off system is the only one that allows detainees the opportunity to commence trial within a reasonable time from detention. All travel of witnesses is fully coordinated with court appearances and witnesses are scheduled to leave The Hague as soon as they have finished testifying. |
| 35 | 3. Guidelines on the reimbursement of lost earnings of witnesses. | A copy of the guidelines on the reimbursement of lost earnings will be provided to the Committee as supplementary information prior to its consideration of the report. |

| Paragraph in A/51/7/Add.1 | Recommendation of the Advisory Committee on Administrative and Budgetary Questions | Reply/comment of the Secretariat |
|---|---|---|
| 37 | 4. The Committee reiterates that the Tribunal should ensure that it does not pay for space that it does not need. | The Tribunal has taken action to secure the services of a real estate agent to sublet any unutilized space. However, it should be noted that in the event that the Tribunal is authorized the additional posts that have been requested and given the need to accommodate additional detainees, defence counsel and witnesses for a second full courtroom, then it may be necessary to use some or all of the space that may become available upon the departure of the Organization for the Prevention of Chemical Weapons. |
| 39 | 5. second courtroom. | A full review of the Tribunal's requirements was undertaken pursuant to the report of the Office of Internal Oversight Services. This confirmed the need for a second full courtroom. |

## Annex IV

## REQUESTS AND JUSTIFICATIONS FOR NEW POSTS

### I. THE CHAMBERS

1. Under the current organizational structure, the staff of the Chambers consists of the 11 Judges and 6 General Service (Other level) secretarial posts. Legal support is provided by the Chambers Legal Support Unit, which is described separately in paragraphs 74 to 80 below. In 1998, it is proposed to increase secretarial support for the 11 Judges from six to eight posts. This will allow the secretarial support to be divided as follows: one secretary for the President, one secretary for each of the two presiding judges, and five to be shared amongst the other judges.

### II. OFFICE OF THE PROSECUTOR

Immediate Office of the Prosecutor

2. It is proposed to establish a post of Special Assistant to the Deputy Prosecutor at the P-4 level to assist him in the performance of his duties and functions. With increased trial and appellate cases, the duties and functions of the Deputy Prosecutor have become very onerous and it is therefore foreseen that there would be a need for reliable and professional assistance, which cannot be provided by other Professionals within the Office. Among other duties, the Special Assistant will be responsible for coordinating the Prosecutor's involvement in the implementation of the Rome Agreement, the "Rules of the Road" programme.

3. Appeals Unit. It is proposed to create a new Appeals Unit within the Immediate Office. The need for this Unit to assist the Prosecutor in respect of both the Rwanda and the Former Yugoslavia Tribunals is a direct consequence of the increased activity and the growing number of appeals to the joint Tribunals Appeals Chamber. A P-5 Appeals Adviser/Counsel post is requested to advise and assist the Prosecutor in the preparation and presentation of appeals from the Trial Chambers of the Tribunal to the Appeals Chamber. During 1998, it is not intended to have any additional staff in the Appeals Unit. However, the existing staff within the Prosecution Sections of both the Tribunals will be called upon to assist as the need arises. The staffing resources will be assessed during the year and it may be necessary to seek additional resources in the 1999 budget process.

4. In line with the Advisory Committee's recommendation (A/51/7/Add.7, para. 21), the Prosecutor has re-examined the role of the Policy and External Relations Section and proposes to retain the structure of the former secretariat rather than create a new section. The staff originally proposed for the section will form part of the Immediate Office and will perform the functions originally intended for that Office, that is, to monitor events in the former Yugoslavia; monitor and analyse policies adopted and actions taken by parties involved in the conflict in the former Yugoslavia; develop appropriate responses and

strategies with respect to those policies; monitor the cooperation of the parties with the Tribunal; and identify instances or attempts by those parties to avoid their obligations and develop strategies accordingly.

5. The required staffing resources for the Immediate Office of the Prosecutor would consist of the existing Under-Secretary-General, D-2 (Deputy Prosecutor), P-5 (Senior Legal Officer), two P-4 (Special Assistant to the Prosecutor and External Relations Officer), one General Service (Principal level), three General Service (Other level) posts; the proposed establishment of one P-5 and one P-4; and the redeployment of one P-3 from the Strategy Team.

Prosecution Section

6. During the latter part of 1997, the Prosecutor restructured this Section to meet current and future trial and prosecution demands. This restructuring would enable the Tribunal to prosecute four trials virtually simultaneously in the Trial Chambers and to prepare for at least two other trials, which could commence immediately following the conclusion of a trial before a Trial Chamber. This involves (a) the creation of six separate trial teams, four of which will be involved in ongoing trials and two of which will be preparing cases for trial; (b) the establishment of the Team Legal Advisers Unit through redeployment of staff resources from the Investigation Section; and (c) the incorporation of the former Legal Advisory Section into the Prosecution Section.

7. To provide the requisite supervision and management of the newly structured Prosecution Section, it is proposed to establish a post of Chief of Prosecutions by redeploying to this Section the P-5 post of Head of the former Strategy Team. Having regard to the functions and responsibilities of the Chief of Prosecutions, it is also proposed to reclassify the post to the D-1 level. The Chief will coordinate most of the legal functions being performed throughout the Office of the Prosecutor with the exception of the Appeals Unit and other Legal Officers in the Immediate Office of the Prosecutor. The Chief of Prosecutions will ensure that all legal decisions, rulings and judgments emanating from the Chambers are disseminated to all lawyers in the Office of the Prosecutor; that the legal strategies and policies proclaimed by the Prosecutor are promptly and fully implemented; and that the various investigative and prosecution teams are adequately provided with legal officers and advisers. The Chief will be responsible for allocating all legal staff to the various investigation teams as team legal advisers; chairing the Indictment Review Committee; and ensuring that the legal guidelines and proper legal charging theories are being followed by the teams.

8. Trial teams. With regard to the four trial teams responsible for ongoing trials, experience has shown that each team requires a Senior Trial Attorney (P-5), two Trial Co-Counsels (P-4), one Legal Officer (P-2), a Case Manager (General Service (Other level)) and the assistance of a Trial Support Assistant (General Service (Other level)). The two trial preparation teams will each comprise a Senior Trial Attorney (P-5), one Trial Co-Counsel (P-4), one Legal Officer (P-2), a case manager (General Service (Other level)) and a trial support assistant (General Service (Other level)). The six teams will be further supported by a pool of four secretaries (General Service (Other level)).

9. The existing staffing resources of four P-5 (Senior Trial Attorneys), three P-2 (Legal Officers) and six General Service (Other level) (three secretaries, one legal research assistant and two computer systems assistants, with the latter three posts renamed trial support assistants) posts are inadequate to meet the current and future trial and prosecution demands. The arrest of additional indicted accused has emphasized the inadequacies of the current organizational structure and has proved that there was no capacity to prepare for other prosecutions for trial when the existing trial teams are each engaged in the prosecution of an ongoing trial. The likelihood of the further surrender and arrest of indicted accused makes it imperative that the Office of the Prosecutor be able to function effectively with this increased workload. With two Chambers sitting full time and being engaged in four trials, it will be necessary to have at least two other trials ready to commence once a Chamber becomes vacant. This will maximize the use of the two Trial Chambers.

10. In order to fill the staffing requirement of each of the six trial teams, it is therefore proposed: (a) to establish new temporary posts for two P-5 (Senior Trial Attorneys), one P-4 (Trial Co-Counsel), one P-2 (Legal Officer) and nine General Service (Other level) (six case managers and three trial support assistants) posts; (b) to convert four existing gratis personnel positions to temporary posts (two P-4 (Trial Co-Counsel) and two P-2 (Legal Officers)); (c) to redeploy from the Investigation Teams six P-4 Legal Adviser posts (Trial Co-Counsel); and to redeploy from the former Strategy Team and to reclassify to the P-4 level (Trial Co-Counsel) one Legal Officer P-3 post.

11. The reorganization of the Prosecution Section also provides for improved coordination of the legal activities of the Office of the Prosecutor, which is necessary as a result of the increase in the number of legal opinions and decisions now emanating from the Judges of the Trial and Appeals Chambers. It is inevitable that as court proceedings have commenced, the Judges have made rulings that have a direct impact on the work of the Prosecutor's Office, both in terms of the legal framework in which investigations are undertaken, as well as future prosecution activities. Prior to the restructuring, there were no procedures in place to ensure the systematic dissemination of day-to-day rulings in the Trial Chambers to either the other trial teams or to the lawyers in the investigation teams.

12. Team Legal Advisers Unit. The establishment of a pool of 12 Team Legal Advisers at the P-4 level, to be redeployed from the investigation teams, is proposed for 1998 in order to consolidate resources for trial support. The advisers will then be assigned from within the Prosecution Section to work with and provide legal advice to the nine investigation teams in the Investigation Section, which are expected to undertake 12 fully active investigations during 1998 at any one time, subject to the availability of resources. The rationale for the administrative redeployment of such personnel to the Prosecution Section, while also serving the Investigation Section, is that when a completed investigation results in a prosecution before a Trial Chamber, the Team Legal Adviser involved in that investigation will return to the Prosecution Section and will act as one of the prosecution Co-Counsel as a member of the trial team assisting the Senior Trial Attorney. Other Team Legal Advisers within the Prosecution Section will then be assigned to the Investigation Section as required, to maintain a full investigative capacity.

13. Legal Advisory Unit. The restructuring of the Prosecution Section has also involved the incorporation, by redeployment, of the former Legal Advisory Section and the renaming of the new office as the Legal Advisory Unit. The main objective of this Unit is to provide independent specialist legal advice to the Office of the Prosecutor, in particular in relation to international law and comparative criminal law. The Unit coordinates the formulation and application of general legal doctrine and specific legal positions within the Office of the Prosecutor in order to ensure that investigations, prosecutions and appeals conform adequately and consistently with international criminal law, including both substantive and procedural aspects. In this regard, the Unit will produce appropriate legal advice and analysis and prepare written and oral submissions at the trial and appellate stages. Numerous international and comparative law questions of great significance and variety arise constantly; challenges to the constitutional aspects of the Tribunal will have to be litigated and clarified in the year ahead. The resolution of these questions will be fundamental to the determination of, inter alia, the elements of the offences within the jurisdiction of the Tribunal, the extent of the powers of the Tribunal and the scope of individual criminal responsibility for military and political leaders. The Tribunal's decisions concerning those issues will have major consequences for ongoing investigations and future indictments, prosecution and appeals.

14. The existing staff of this Unit as redeployed from the former Legal Advisory Section is as follows: one P-5 (Senior Legal Adviser), one P-4 (Legal Adviser on gender-related issues) and three P-3 (Legal Officers on international law) posts. In accordance with the Unit's priorities and to meet the Prosecutor's aim to establish six trial teams, the Legal Advisory Unit requires an increase in staff to reflect more accurately the level, importance and complex nature of the work it performs. With an increase in arrests, indictments, accused and appeals, the Unit would be unable to fulfil its functions properly in 1998 without additional staff being available to work on new cases.

15. To augment the current structure, the following is proposed for 1998: (a) to establish two new P-3 posts (one Legal Officer each for international law and comparative criminal law); and (b) to convert two existing gratis personnel positions at the P-4 level to temporary posts (Legal Advisers on international law). The new structure would thus make it possible, firstly, to assign a Legal Officer to each of the four trial teams to provide advice on international law matters at the pre-trial and trial proceedings; secondly, to provide expertise on comparative criminal law, as the Unit receives an increasing number of requests for advice on questions of comparative criminal law, in particular in determining how different national legal systems based upon civil or common law and other legal systems approach criminal law issues; and thirdly to provide advice on differing rules of procedure and evidence.

16. In addition to the seconded personnel, the Tribunal provides an internship programme, which usually lasts no more than six months per intern. Currently, the interns are all assigned to the Office of the Prosecutor and provide research and drafting assistance in matters relating to criminal law, international humanitarian law and human rights. The proposed structure for the Legal Advisory Unit would enable the Office of the Prosecutor to lessen its dependence on the legal research services provided by interns. It would also

enable the Office to achieve consistent and cohesive legal research and advice on all relevant legal issues and in the longer term would contribute constructively to the development of the jurisprudence of the Tribunal as necessitated by the growing tasks of the Unit.

17. Administrative support. The Prosecution Section is supported by a pool of four secretaries (General Service (Other level)), of whom three are against existing posts and one is proposed for redeployment from the former Legal Advisory Section.

18. The overall staffing resource requirement of the Prosecution Section therefore consists of the existing staff complement of five P-5, one P-4, three P-3, three P-2 and seven General Service (Other level) posts, which include six posts from the former Legal Advisory Section; the proposed establishment of two P-5 posts; five P-4 posts (including four conversions of gratis personnel positions); two P-3 posts; three P-2 posts (including two conversions of gratis personnel positions) and nine General Service (Other level) posts; the redeployment and reclassification of one P-5 post from the Strategy Team to provide for a Chief of Prosecutions at the D-1 level; and the redeployment of 18 P-4 Team Legal Adviser posts from the nine investigation teams; and the redeployment and reclassification of one P-3 Legal Officer post from the Strategy Team at the P-4 level to provide for a Trial Co-Counsel to one of the trial teams.

Investigations Section

19. The Investigations Section is not only responsible for investigations into serious violations of international humanitarian law, but is also required to undertake a number of additional investigations emanating from events during trials and investigations. Each of the additional secondary investigations must be undertaken, not only because they affect the Prosecutor's ability to complete investigations and prosecutions but because they affect the integrity of the Tribunal as a whole as well as the evidence being produced before the Chambers. It is usually necessary to assign at least one investigator from the Investigations Section to each one of these secondary investigations, thus affecting the efficiency of the investigation team and reducing its capacity to complete its normal investigations.

20. The Investigations Section has also undergone a number of changes. The Section is now currently composed of the Office of the Chief of Investigations; the nine investigation teams; the Forensic Unit; three new units from the disbanded Strategy Team, namely, the Fugitive Intelligence and Sensitive Sources Unit, the Leadership Research Team and the Military Analysis Team; the field offices (Belgrade, Sarajevo and Zagreb); and a secretarial support pool.

21. The Investigations Section is headed by the Chief of Investigations (D-1) who is responsible for the efficient performance of the investigations. Three Investigation Commanders at the P-5 level are each responsible for coordinating and directing the activities of three criminal investigation teams.

22. As part of the restructuring of the Investigations Section during the latter part of 1997, the post of Forensic Policy and Planning Commander (P-5)

has been redeployed from the Forensic Unit and redesignated Operations Commander. The incumbent is responsible for the activities of the Forensic Unit, the Fugitive Intelligence and Sensitive Sources Unit, the Leadership Research and Military Analysis Teams, the Field Mission Offices and the Investigations Tracking Analyst.

23. It is proposed to establish a P-3 post for an Investigations Tracking Analyst. During the May 1997 deliberation of the proposed 1997 budget of the Tribunal, the Advisory Committee was advised that a computer-based assignment tracking tool had been developed to assist the Office of the Prosecutor in assessing ongoing investigations in progress, reviewing the quantity and quality of the evidence already collected and evaluating what remained to be accomplished by assigning priorities and establishing deadlines. The analyst would be responsible for controlling and developing this tool, along with the analysis of the results output.

24. Criminal investigation teams. The nine investigation teams within the Investigations Section are responsible for all criminal investigations conducted by the Office of the Prosecutor. The Prosecutor expects that the nine investigation teams will be able to undertake 12 fully active investigations during 1998, provided sufficient resources are made available. Experience has shown that the division of the investigative resources into nine teams provides sufficient flexibility to meet constantly changing needs. Over the last three years, some teams have been assisted by investigators from other teams, depending on the nature of the investigations, that is, some teams are bigger than others for specific investigations. The team approach has been able to provide this flexibility. It has enabled investigators to be assigned to trial teams and at the same time to enable the investigations to continue. This was only true, however, until the point was reached during 1997 where too many investigative resources, 57 per cent, were assigned to the trial teams and it has since not been possible to maintain the investigative initiative. Consequently, some investigations have had to be suspended, pending additional resources being made available.

25. The proposed restructuring of the nine investigation teams would result in each team being comprised of a Team Leader (P-4), seven investigators (four P-3 and three P-2) and a Criminal Intelligence Analyst (P-2). Each team will be assisted by a pool of language assistants and secretaries. In addition, it is proposed to establish a pool of three additional Intelligence Analysts (P-2 level) to assist with additional team investigations, thus enabling the Investigations Section to conduct 12 investigations during 1998. It is anticipated that nine teams of eight investigators would enable the Prosecutor to undertake 12 fully active investigations, as well as providing support to cases being prepared for trial following the arrest or surrender of indicted accused.

26. With the exclusion of the 18 Legal Adviser posts (P-4) redeployed to the Prosecution Section and the 9 Research Officer posts (P-3) redeployed to the Leadership Research Team, each of the nine investigation teams is currently comprised of a Team Leader (P-4), two Investigators (P-3), one Investigator (P-2) and one Criminal Intelligence Analyst (P-2). The investigation teams are further strengthened by the investigative services of gratis personnel. The

existing structure would no longer be adequate to support both the current and future requirements of the Section, especially following the aforesaid redeployments and the anticipated phasing-out of gratis personnel positions.

27. It is therefore proposed to establish four additional Investigator posts in each team, of which two would be at the P-3 level and two at the P-2 level. Of the 36 additional Investigator posts, a total of 17 new posts are proposed to be established to strengthen the investigative capabilities of the teams, of which 2 are at the P-3 level and 15 at the P-2 level, and a total of 19 posts would result from the conversion of gratis personnel positions, of which 16 are at the P-3 level and 3 at the P-2 level. The conversion of such positions to temporary posts would replace the loss of qualified and experienced investigator gratis personnel whose number in the investigation teams fluctuated from time to time. In addition to the above, it is also proposed to establish a pool of three additional Criminal Intelligence Analyst posts (P-2) to assist with additional team investigations. It is anticipated that a full complement in the investigation teams would enable the Prosecutor to undertake 12 fully active investigations, as well as providing support to cases being prepared for trial following the arrest or surrender of indicted accused persons.

28. Noting the comments of the Advisory Committee in its report (A/51/7/Add.7, para. 25), the Prosecutor has disbanded the Strategy Team and has divided the three main functions previously performed by it into three new operational units, namely, the Leadership Research Team, the Military Analysis Team and the Fugitive Intelligence and Sensitive Sources Unit. The staff from the Strategy Team have been redeployed to those units. Investigative strategies will be determined by the Chief of Investigations, in consultation with the Prosecutor, Deputy Prosecutor and other senior officials of the Office of the Prosecutor.

29. Leadership Research Team. One of the new units to be formed as a result of the disbanding of the Strategy Team is the Leadership Research Team. This amalgamates the leadership research functions previously carried out in the former Strategy Team and the investigations teams and comprises 11 P-3 Research Officers, of whom 3 P-3 Legal Officers and 9 P-3 Research Officers were redeployed from the Strategy Team and investigation teams, respectively. The Team is currently headed by a gratis staff member who performs the functions of a Senior Research Officer, one of which is coordinating and supervising the activities of the Team. In 1998, it is proposed to convert this gratis position to a temporary post at the P-4 level.

30. The Team will undertake investigations into the leadership structures of the parties to the conflict in the former Yugoslavia, with a view to identifying those persons in positions of control and authority who were most responsible for the crimes committed during the conflict. The Team will gather and research all available evidence and material, including open sources (radio, television and other media broadcasts and publications) materials that are both held by the Tribunal and contained in other relevant archives, such as the UNPF archive currently in Zagreb. In addition to the Senior Research Officer in the Team, there are 11 other Research Officers, 2 of whom undertake research of documents in Serbo-Croatian, and the remaining 9 undertake research into the leadership structures of the five separate parties to the conflict.